

THE IMPLICATIONS OF PRESIDENT OBAMA'S NATIONAL OCEAN POLICY

OVERSIGHT HEARING

BEFORE THE
SUBCOMMITTEE ON WATER, POWER AND OCEANS
OF THE
COMMITTEE ON NATURAL RESOURCES
U.S. HOUSE OF REPRESENTATIVES
ONE HUNDRED FOURTEENTH CONGRESS
SECOND SESSION

Tuesday, May 17, 2016

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OVERSIGHT HEARING ON THE IMPLICATIONS OF PRESIDENT OBAMA'S NATIONAL OCEAN POLICY

**Tuesday, May 17, 2016
U.S. House of Representatives
Subcommittee on Water, Power and Oceans
Committee on Natural Resources
Washington, DC**

The subcommittee met, pursuant to notice, at 10:03 a.m., in room 1324, Longworth House Office Building, Hon. John Fleming [Chairman of the Subcommittee] presiding.

Present: Representatives Fleming, McClintock, Duncan, Gosar, LaMalfa, Graves, Newhouse, Bishop; Huffman, Costa, Lowenthal, and Torres.

Also present: Representative Beyer.

Dr. FLEMING. The Subcommittee on Water, Power and Oceans will come to order. The subcommittee meets today to hear testimony on an oversight hearing entitled, "The Implications of President Obama's National Ocean Policy." We will begin with opening statements, starting with myself.

STATEMENT OF THE HON. JOHN FLEMING, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF LOUISIANA

Dr. FLEMING. Today's hearing is about shining some sunlight on what has become a non-transparent Administration agenda aimed at curtailing multiple-use access in our oceans and lands.

The Administration's so-called National Ocean Policy (NOP) is not new to this committee, as this is the sixth oversight hearing on this subject. What is also not new is that the Administration continues to hide its actions on its questionable policy.

Many questions remain unanswered. For example: Under what authority is the President acting to implement this policy? Who is funding activities of the National Ocean Council and the Regional Planning Bodies? How will this affect Federal and state fisheries management and offshore energy development, two industries that are vital to Louisiana's economy? How far inland does this policy actually reach?

The first Regional Planning Body will release its plan for the Northeastern United States later this month. Yet, scarce information has been provided. It will undoubtedly become a blueprint for other regional plans that really won't be regional, but will be straight out of Soviet-style command-and-control casting since these bodies consist primarily of Federal agencies.

The Administration was invited to answer our concerns and questions related to this hearing. Indeed, the other side of the aisle has insisted that we invite more Federal agencies to our hearings. In this case, inviting the Director of the National Ocean Council

was warranted. So, we did just that. If you follow the television screen, Majority staff for this committee sent an email to Ms. Beth Kerttula on May 5, followed by a formal invitation on May 9, and then with another email on May 11. There were also a number of phone calls made to Ms. Kerttula's office and cell phones in between this correspondence.

There was no response from the Administration until late last week. At the end of the day, the Administration is a no-show, and I have little doubt that is by design. What is the Administration hiding? Their absence is telling and indicative of this whole effort: share as little information as possible, even though their stated goal is "Federal coordination and transparency."

We will hear today that coastal and marine spatial planning, or what some call Federal zoning, is necessary to combat competing uses among the traditional marine industries, recreational activity, and offshore development. That is a false choice. If you go out into the Gulf of Mexico—and a witness here with us today can attest to this—some of our best fishing takes place right off of our offshore oil rigs. These different uses are not conflicting, but can be complementary of each other in some cases.

The Administration is aloof of what is going on in the Gulf, continually ignores the boundaries of the law, and does whatever it pleases until checked by the judicial branch like last week with Obamacare, or is held accountable through congressional actions.

We will hear from those potentially impacted today. From the Eastern Seaboard, to the Gulf Coast, to the inland farming communities of the West, we will listen to strong concerns about these vague policies being implemented by unaccountable bureaucrats behind the scenes.

It is unfortunate, but not surprising, that the Administration could not be here to listen to these legitimate concerns—or should I say would not be here. I look forward to hearing from all of you here today.

This hearing will be the first of a number of actions this subcommittee will take to hold the Administration's feet to the fire on this gross executive over-reach aimed at curtailing multiple-use access to our ocean resources.

[The prepared statement of Dr. Fleming follows:]

PREPARED STATEMENT OF THE HON. JOHN FLEMING, CHAIRMAN, SUBCOMMITTEE ON
WATER, POWER AND OCEANS

Today's hearing is about shining some sunlight on what has become a non-transparent Administration agenda aimed at curtailing multiple-use access in our oceans and lands.

The Administration's so-called National Ocean Policy is not new to this committee, as this is the sixth oversight hearing on this subject. What's also not new is that the Administration continues to hide its actions on this questionable policy.

Many questions remain unanswered. For example:

- Under what authority is the President acting to implement this policy?
- Who is funding activities of the National Ocean Council and the Regional Planning Bodies?
- How will this affect Federal—and state—fisheries management and offshore energy development—two industries that are vital to Louisiana's economy?
- How far inland does this policy actually reach?

The first Regional Planning Body will release its plan for the northeastern United States later this month. Yet, scarce information has been provided. It will undoubtedly become a blueprint for other regional plans that really won't be regional but will be straight out of Soviet style command-and-control casting since these bodies consist primarily of Federal agencies.

The Administration was invited to answer our concerns and questions related to this hearing. Indeed, the other side of the aisle has insisted that we invite more Federal agencies to our hearings. In this case, inviting the Director of the National Ocean Council was warranted. So, we did just that. If you follow the television screen, Majority staff for this committee sent an email to Ms. Beth Kerttula on May 5, followed by a formal invitation on May 9, and then with another email on May 11. There were also a number of phone calls made to Ms. Kerttula's office and cell phones in between this correspondence. There was no response from the Administration until late last week. At the end of the day, the Administration is a no-show and I have little doubt that is by design. Their absence is telling and indicative of this whole effort: share as little information as possible even though their stated goal is "Federal coordination and transparency."

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This hearing will be the first of a number of actions this subcommittee will take to hold the Administration's feet to the fire on this gross executive over-reach aimed at curtailing multiple-use access to our ocean resources.

Dr. FLEMING. And I now recognize the Ranking Member, Mr. Huffman, for his comments.

STATEMENT OF THE HON. JARED HUFFMAN, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA

Mr. HUFFMAN. Thank you, and good morning, Mr. Chairman. The Majority has called today's hearing to discuss the implications of the National Ocean Policy. This hearing, consistent with prior hearings on the same subject, continues this implication that the policy has somehow been harmful, or is an over-reach. And I am certain that my colleagues across the aisle will engage in the same type of narrative, that this is unprecedented abuse of executive power, the same things that we have heard in many identical hearings which the Administration has participated in in the past.

This familiar refrain, unfortunately, ignores the fact that the National Ocean Policy, at its core, is nothing more than air traffic control for the ocean. It is common sense. This policy coordinates the actions of Federal agencies and regulated activities at sea and along our coast, so that we can reduce user conflict, cut through red tape, and support sound decisionmaking with better information and strategic planning. It does not create new laws or new regulations. It is not Soviet-style command-and-control regulation.

It certainly is not non-transparent, as was described. It is the antithesis of that. It is an attempt to improve communication and transparency.

The policy is appropriate. It is a necessary use of the chief executive's authority to direct coordination of executive branch agencies. And, in my opinion, President Obama should be applauded for building on what was—and this is important to remember—a bipartisan action plan in 2004, an action plan that was an initiative of the George W. Bush administration.

The United States and its territories have exclusive jurisdiction, economically, over approximately 4.5 million square miles of our ocean. These areas are a vital part of our economy. They support tens of millions of jobs; contribute billions of dollars annually to our national economy and coastal communities, which make up about 18 percent of our country's land area; and are home to nearly 120 million people, 37 percent of our Nation's population. And these numbers are steadily increasing.

These growing uses within our ocean and coastal areas are inherently going to put significant pressure on our natural resources. So, planning is needed to help ensure that everything works together, that we have healthy, natural resources, and continued economic growth in these areas.

Instead of taking the opportunity to ask how we can continue to support the growth of our ocean and coastal economies, the Majority will likely accuse the President of lacking authority to implement the ocean policy, despite the fact—and this has been explained repeatedly—that there are no fewer than 55 separate laws and regulations that speak to the need and the requirement for adequate ocean planning.

Six years after the Executive Order created the policy, some on the other side of the aisle still refuse to accept the facts: the fact that it does not over-ride state water law, for example, does not restrict use of private property in any way, does not regulate the raindrops on your roof, and so on.

Contrary interpretations are potentially deliberate attempts to mislead the public, and have long ago been debunked as such, including through several hearings in the Natural Resources Committee.

I had hoped that instead of revisiting this tired argument, we might hold a hearing on any one of several really important timely issues facing communities that many of us represent. I have made formal requests in this Congress for hearings on many such issues, including improvements to agricultural and municipal water management and conservation in the face of this persistent and historic drought in California; an examination of current drought climate and weather science to help us understand the long-term prospects for water shortages; the impacts of ocean acidification on aquaculture and ocean ecosystems; and how to incorporate climate science into marine fisheries management.

Unfortunately, none of these hearing requests have been granted. We have not had conversations on these subjects. Instead, today, we are trying to manufacture some controversy out of a completely legal and, frankly, non-controversial good government initiative.

If we really must revisit the National Ocean Policy, how about talking about how the ocean-related economy has grown at a faster pace than the national economy since 2008. We should be talking about how increasing support for chronically underfunded coastal and marine resources management and ocean science programs could support further economic growth, and how addressing the impacts of climate change on fisheries, aquacultures, agriculture, and ocean ecosystems could actually boost income and save jobs in coastal communities, including those that I represent.

We should be talking about how the National Ocean Policy can connect all of these things in a more coherent policy and permitting framework, and ensure that all who benefit from America's oceans can continue to do so in an economically and environmentally sustainable way.

I thank the witnesses for joining us today, and I look forward to our conversation.

[The prepared statement of Mr. Huffman follows:]

PREPARED STATEMENT OF THE HON. JARED HUFFMAN, RANKING MEMBER,
SUBCOMMITTEE ON WATER, POWER, AND OCEANS

Thank you, and good morning, Mr. Chairman. The Majority has called today's hearing to discuss the "implications" of the National Ocean Policy. And this hearing, consistent with prior hearings on this subject, continues this implication that the Policy has somehow been harmful or is an over-reach, and I'm certain that my colleagues across the aisle will engage in the same type of narrative that this is unprecedented abuse of executive power, the same things that we've heard in many identical hearings which the Administration has participated in in the past.

So, this familiar refrain unfortunately ignores the fact that the National Ocean Policy at its core is nothing more than air traffic control for the ocean. It's common sense. This policy coordinates the actions of Federal agencies, regulated activities, at sea and along our coast so that we can reduce user conflicts, so that we can cut through red tape, support sound decisionmaking with better information and strategic planning. It does not create new laws or new regulations. It is not Soviet style command and control regulation. It certainly is not non-transparent as described. It's the antithesis of that. Its intent is to improve communication and transparency. Policy is appropriate. It's a necessary use of the chief's executive authority to direct coordination of executive branch agencies, and in my opinion, President Obama should be applauded for building on what was, and this is important to remember, a bipartisan action plan in 2004. An action plan that was an initiative of Bush administration.

Now the United States and its territories have an exclusive jurisdiction economically over approximately 4½ million square miles of our ocean. These areas are a vital part of our economy. They support tens of millions of jobs; contribute billions of dollars annually to our national economy and coastal communities, which make up about 18 percent of our country's land area; are home to nearly 120 million people, 37 percent of our Nation's population, and these numbers are steadily increasing. These growing uses within our ocean and coastal areas are inherently going to put significant pressure on our natural resources, and so planning is needed to help ensure everything works together, that we have healthy natural resources and continued economic growth in these areas.

Instead of taking the opportunity to ask how we can continue to support the growth of our ocean and coastal economies, the Majority will likely accuse President Obama of lacking authority to implement the Ocean Policy, despite the fact, and this has been explained repeatedly that there are no fewer than 55 separate laws and regulations that speak to the need and the requirement for adequate ocean planning. Six years after the Executive Order created the Policy, some on the other side of the aisle still refuse to accept the facts. The fact that it does not over-ride state water laws, for example, does not restrict use of private property in any way, does not regulate the raindrops on your roof and so on. Contrary interpretations are potentially deliberate attempts to mislead the public and have long ago been debunked as such, including several hearings in the Natural Resources Committee. Now I had hoped that instead of revisiting this tired argument, we might hold a

hearing on any one of several really important timely issues facing communities including the one I represent.

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I thank the witnesses for joining us today. I look forward to our conversation.

Dr. FLEMING. I thank the gentleman and now recognize Dr. Gosar for his comments.

STATEMENT OF THE HON. PAUL A. GOSAR, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF ARIZONA

Dr. GOSAR. Thank you, Chairman, for calling today's hearing. We will hear a lot today about our Nation's oceans and the impacts that the President's National Ocean Policy might have on those who want to enjoy and protect the boundary of our saltwater resources. We have before us witnesses from Rhode Island and Mississippi, who will rightly discuss their concerns that the working men and women, recreationalists and others, could be negatively impacted by this policy.

Since I represent parts of a land-locked state, one wouldn't immediately think that Arizona would care about what impacts our Nation's offshore resources. But, we Arizonans like our seafood and our domestic energy.

Just as importantly, Arizona has thousands of miles of reservoir shoreline at Lake Havasu, Lake Mead, Roosevelt Lake, and others, created or managed by the Bureau of Reclamation, the State, and the Salt River Project, just to name a few. That shoreline, and the people who depend on the water within those reservoirs, could very well be roped into the federally-based National Ocean Policy.

Don't take my word for it, though. Look at the Appendix to the Implementation Plan for the following items: (1) restoration of 100,000 acres of wetlands and uplands; (2) developing measures to evaluate national forest best management practices; and (3) studying impacts from land-based sources of pollution.

In addition, we have Mr. Dan Keppen, Executive Director of the Family Farm Alliance, which includes a number of Arizona's irrigation districts, testifying that the policy's regional bodies could "dramatically increase the role of Federal agencies on inland rivers

and adjacent land uses . . . at a time when other hydropower dams are under ongoing litigation by certain environmental groups.”

As he will testify, the policy’s ecosystem-based management scheme “involves vague and undefined policies that we know from experience can be used by critics of irrigated agriculture as a basis for lawsuits to stop or delay federally permitted activities.” Of course, the Administration may challenge this, but they did not even bother to show up today.

This policy is another chapter in the death-by-a-thousand-cuts strategy this Administration employs against the people and communities who depend on our natural resources on land and under water. Federal zoning on both land and water creates uncertainty, which in turn breeds litigation. It is a clever way to impose a web of Federal layers of bureaucracy—a recipe for stagnation.

On its way out the door, the Administration is creating far-reaching tentacles that will only harm existing uses and makes it nearly impossible to permit future traditional uses with some remote nexus from the oceans, even in the Grand Canyon State.

I thank the witnesses for their courage to ask the tough questions and for their transparency, which is sorely lacking from the “most transparent administration in history.” I look forward to working with you and my colleagues on getting some answers and clarity on this notorious policy.

I yield back.

[The prepared statement of Dr. Gosar follows:]

PREPARED STATEMENT OF THE HON. PAUL A. GOSAR, A REPRESENTATIVE IN
CONGRESS FROM THE STATE OF ARIZONA

Thank you for holding today’s hearing.

We will hear a lot today about our Nation’s oceans and the impacts that the President’s National Ocean Policy might have on those who want to enjoy and protect the bounty of our saltwater resources. We have before us witnesses from Rhode Island and Mississippi who will rightly discuss their concerns that the working men and women, recreationalists and others could be negatively impacted by this policy.

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Don’t take my word for it though. Look at the Appendix to the Implementation Plan for the following items:

- restoration of 100,000 acres of wetlands and uplands;
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In addition, we have Mr. Dan Keppen, Executive Director of the Family Farm Alliance—which includes a number of Arizona’s irrigation districts—testifying that the policy’s Regional Planning Bodies could “dramatically increase the role of Federal agencies on inland rivers and adjacent land uses . . . at a time when other hydropower dams are under ongoing litigation by certain environmental groups.” As he will testify, the policy’s ecosystem-based management scheme “involves vague and undefined and policies that we know from experience can be used by critics of irrigated agriculture as the basis for lawsuits to stop or delay federally permitted activities.” Of course, the Administration may challenge this, but they didn’t even bother to show up today.

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I thank for the witnesses for their courage to ask the tough questions and for their transparency, which is sorely lacking from the “most transparent administration in history.” I look forward to working with you and my colleagues on getting some answers and clarity on this notorious policy.

Dr. FLEMING. I thank the gentleman. We are now ready for witness testimony.

I will explain how the lights work. You have 5 minutes for your oral testimony. The written testimony will be entered into the record, no matter how large it is. So, you will be under a green light for the first 4 minutes. Then, when it turns yellow, be thinking about wrapping up. If you have not finished by the time it is red, please wrap up as soon as possible. Otherwise, you will be gavelled down so we can keep things moving, of course.

We have introductions today. First, Mr. Bob Zales, President of the National Association of Charterboat Operators based out of Hurley, Mississippi; Ms. Meghan Lapp, Fisheries Liaison for Seafreeze, Ltd., which is in North Kingstown, Rhode Island; Mr. Jim Lanard, Chief Executive Officer of Magellan Wind, based out of Collingswood, New Jersey; and then Mr. Dan Keppen, Executive Director of the Family Farm Alliance, based out of Klamath Falls, Oregon.

How large is Klamath Falls, Oregon?

Mr. KEPPEN. About 50,000.

Dr. FLEMING. About 50,000? The reason why that catches my attention is about a century ago a branch of my ancestors followed the timber industry to Klamath Falls, Oregon, which is all I know about it. But if you know any Flemings in Klamath Falls, they are my cousins.

Mr. KEPPEN. I do. Some of them are turf farmers.

[Laughter.]

Dr. FLEMING. Yes. Well, I come from a long line of dirt farmers.

As I mentioned in the opening statement, the Director of the National Ocean Policy, Ms. Beth Kerttula, was invited to testify today, but unfortunately, did not accept our invitation.

I now recognize Mr. Zales for his testimony.

STATEMENT OF BOB ZALES, PRESIDENT, THE NATIONAL ASSOCIATION OF CHARTERBOAT OPERATORS, HURLEY, MISSISSIPPI

Mr. ZALES. Chairman Fleming, Ranking Member Huffman, and members of the subcommittee, my name is Robert F. Zales, II, and I am appearing today on behalf of the National Association of Charterboat Operators. I wish to thank you for your kind invitation to present testimony on the implications of President Obama's National Ocean Policy.

H.R. 21, Oceans 21, the precursor to the National Ocean Policy, was introduced to the House in the mid-2000s. It never had broad public support, and thanks to the wisdom of our Representatives and Senators was never approved by Congress. Due to rejection of the proposed legislation and no action by Congress, on July 19, 2010, President Obama signed and executed Presidential Executive Order 13547, creating the National Ocean Policy and resulting National Ocean Council.

Now, almost 6 years later, this one stroke of a pen that created an unfunded mandate, has provided for the creation of the National Ocean Policy Implementation Plan and led to the creation of Regional Planning Bodies (RPBs) in the Northeast, Mid-Atlantic, Pacific, Caribbean, and, most recently, the West Coast.

Thankfully, we have no functioning RPB in the Gulf of Mexico region, and do not need one. The last thing we need in the Gulf, and any region, is the creation of a new government body and a process that the Federal Government itself has likened to ocean zoning, neither of which have been authorized by Congress, that is trying to solve a problem that does not exist.

Apparently, Mr. Chairman, you and your colleagues are not necessary to the proper management and care of our natural marine and land-based resources, as Congress has been left totally out of the NOP process.

Under the coastal and marine spatial planning process, RPBs are comprised solely of government officials who are charged with developing a zoning plan. No private-sector stakeholders are allowed to be included.

Why do we need another bureaucratic entity and overlaid costs, costing untold sums of taxpayer dollars on top of all those already in existence to provide more management? Few, if any, Federal legislators know where the funding for the NOP comes from now, and who will control the funding and oversight in the future.

In the Gulf, as well as all areas of the country, recreational and commercial fishermen are currently over-regulated, and negatively impacted in every arena. The fishing industry, both recreational and commercial, cannot absorb any more regulatory burden.

The NOP process has the potential and is likely to create new and expanded regulatory requirements in addition to those we already have, creating more regulatory burdens and increasing costs on our businesses.

In the *Final Recommendations of the Interagency Ocean Policy Task Force July 19, 2010*, page 30 states, "The plans would be adaptive to allow for modification and addition of new actions based on new information or changing conditions. Their effective implementation would also require clear and easily understood requirements and regulations, where appropriate, that include enforcement as a critical component."

While several lead agencies have stated the NOP has no regulatory authority, it is clear that the NOP will be adding new regulatory impacts, including potential regulations on already overly regulated industries and activities.

Fishing activity and boating are at an all-time low. Government requirements and expenses keep growing. Allowing the NOP to continue as is will only continue to reduce this fishing and boating

activity, which will result in lost jobs, lost wages, and lost taxes, which will harm families in our communities. Furthermore, the Gulf has a decades-long history of successful co-existence and environmental stewardship of our natural resources by commercial and recreational fishermen. Our historical experience reflects that we do not need this unauthorized process to create problems where none exist.

The foundational recommendations adopted by the NOP noted “these recommendations may create a level of uncertainty and anxiety among those who rely on these resources, and may generate questions about how they align with existing processes, authorities, and budget challenges.” Six years later, that uncertainty and anxiety is higher than ever, and those questions are more significant today.

The unforced error created by a stroke of the pen continues to needlessly drain resources and energy away from what our industries should and need to be focused on, which is generating economic activity and providing recreational and commercial opportunities and outlets to enjoy our natural resources, all under the oversight of responsible regulation as authorized by Congress.

Mr. Chairman, this concludes my testimony. Again, I totally appreciate the invitation and opportunity to provide you and the subcommittee with this information. I will be pleased to respond to any questions.

[The prepared statement of Mr. Zales follows:]

PREPARED STATEMENT OF CAPT. ROBERT F. ZALES, II, PRESIDENT, NATIONAL
ASSOCIATION OF CHARTERBOAT OPERATORS

Chairman Fleming, Ranking Member Huffman, and members of the subcommittee, my name is Robert F. Zales, II and I am appearing today on behalf of the National Association of Charterboat Operators (NACO). I wish to thank you for your kind invitation to present testimony on the “The Implications of President Obama’s National Ocean Policy.”

NACO is a non-profit 501(c)(6) association representing charterboat owners and operators across the United States including the Great Lakes. I also serve on the Board of several other recreational fishing associations as well as the National Ocean Policy Coalition. I have been involved in fishing for over 50 years with over 25 years of that time involved with local, state, and Federal fishery management providing expert testimony, serving on a host of advisory panels, and working to ensure that reason and common sense are applied to the management of our natural resources.

H.R. 21 (Oceans 21), the precursor to the National Ocean Policy, was introduced to the House in the mid 2000s. It never had broad public support and thanks to the wisdom of our Representatives and Senators was never approved by Congress. Due to rejection of the proposed legislation and no action by Congress, on July 19, 2010, President Obama signed and executed Presidential Executive Order 13547 creating the National Ocean Policy and resulting National Ocean Council. I provided my 1 minute of testimony at one of the first public announcement meetings held in New Orleans, LA a few weeks after the EO was executed. Now, almost 6 years later, this one stroke of a pen that created an unfunded mandate has provided for the creation of the National Ocean Policy Implementation Plan and led to the creation of Regional Planning Bodies (RPB) in the Northeast, Mid-Atlantic, Pacific, Caribbean, and most recently the West Coast. Thankfully, we have no RPB in the Gulf of Mexico Region and do not need one.

The National Ocean Policy Implementation Plan calls for the RPBs to adopt a comprehensive national ecosystem-based management principal, implement comprehensive, integrated, ecosystem-based coastal and marine spatial planning and management, and a host of other management objectives. All of these proposals are already being researched and in some cases proposed under the Magnuson Stevens Fishery and Conservation Management Act and other Federal agencies management efforts. The last thing we need in the Gulf, and any Region, is the creation of a new

government body and a process that the Federal Government itself has likened to Ocean Zoning—neither of which have been authorized by Congress—that is trying to solve a problem that does not exist. Apparently, Mr. Chairman, you and your colleagues are not necessary to the proper management and care of our natural marine and land based resources as Congress has been left totally out of the NOP process. We recently heard of the latest effort by 33 environmental NGOs forming the “High Seas Alliance” to push the United Nations to move forward with the development of an international legally binding instrument under the U.N. Convention of the Law of the Sea on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction. As you can fully understand we are seriously concerned about the continued and ever growing efforts by enviro NGOs to circumvent the normal operation and regulatory activity of Congress.

The current NOP process, has from day one, suggested that the Nation’s stakeholders have been actively involved and able to provide input. Reality shows this is blatantly untrue. The fast tracking underground, lack of adequate public notice, and haphazard manner where vital stakeholders are left out by the Administration is clear indication they want this policy to be fully implemented before anyone is aware of the real impacts of the proposed policy. One has to wonder, if a policy is so great then why has Congress been left out of the process and why do the citizens of this country know so little?

Under the Coastal and Marine Spatial Planning process there are nine (9) Regional Planning Bodies proposed that will include membership of Federal, state, and tribal representatives, no fishing or other stakeholder representatives are to be included. We already have eight (8) Regional Fishery Management Councils and the agencies of NOAA/NMFS along with EPA, the U.S. Coast Guard, the Fish and Wildlife Service, the Bureau of Ocean Energy Management, three (3) Interstate Fishery Commissions, coastal State Resource Management Agencies, and a host of others providing management of our resources. Why do we need another bureaucratic entity costing taxpayers millions of dollars on top of all of these to provide more management? Few Federal legislators know where the funding for the NOP comes from now, who will control the funding and oversight in the future?

In the Gulf, as well as all areas of the country, Recreational and Commercial Fishermen are currently over regulated and negatively impacted in every arena. No fishing seasons, overly restrictive bag limits and quotas, closed areas to boating and fishing, the Endangered Species Act, the Clean Water Act, EPA Engine Emission regulations, Marine Protected Areas, Marine Mammal Interactions, gear restrictions, U.S. Coast Guard regulations that include a host of vessel safety requirements, specific manning requirements, life saving requirements, licensing, drug and alcohol testing, medical review process, navigation restrictions, FCC radio licensing and requirements, and more. Every agency and every requirement costs fishermen and our communities dollars.

The Fishing Industry (recreational and commercial) cannot absorb any more regulatory burden. Many fishermen have left fishing because they have simply been regulated out of business. The costs and regulatory burdens have driven private recreational fishermen to find other forms of recreation. They have forced the recreational for-hire owner out of business because the consumer is unwilling to continue to pay more for the government requirements as the costs of regulations cannot be passed on. Commercial fishermen are being forced out of business because the profit margins are not sustainable. All of this also impacts the support businesses such as tackle shops, boat builders, and seafood dealers.

The NOP process has the potential and is likely to create new and expanded regulatory requirements in addition to those we have, creating more regulatory burdens and expanding costs to our businesses. According to information provided at a past hearing, then Representative Steve Southerland, found in the *Final Recommendations of the Interagency Ocean Policy Task Force, July 19, 2010* on page 30, it states, “The plans would be adaptive to allow for modification and addition of new actions based on new information or changing conditions. Their effective implementation would also require clear and easily understood requirements and regulations, where appropriate, that include enforcement as a critical component.” While several lead agency heads have stated the NOP has no regulatory authority, it is clear that the NOP will be adding new and expanded regulations, without any rulemaking authority, on already overly regulated industries and activities.

Fishing activity and boating are at an all time low. Government requirements and expense keep growing and allowing the NOP to continue without congressional oversight will only continue to reduce this fishing and boating activity which will result in lost JOBS, lost WAGES, and lost TAXES which will harm families and our communities. The NOP does nothing but add new layers of unaccountable Federal Government employees while doing nothing to enhance our economy or our

resources. Everything the NOP proposes is already being implemented, proposed, or thought of.

In addition the NOP will continue the strangulation of our Gulf offshore oil and gas industries by further restricting exploration, mining, and production of these resources. This further hampers fishermen due to the ever increasing fuel costs. In the Gulf of Mexico the expanded effort to remove non-productive oil and gas platforms that have become essential fish habitat is a growing problem when the NOAA/NMFS requires sustainable fisheries. How do you sustain a resource without habitat?

The Gulf has a decades long history of successful coexistence and environmental concern of our natural resources by commercial and recreational fishermen. Our historical experience reflects that we don't need this unauthorized process to create problems where none exists. In addition to the negative impacts on our Gulf fishing industries and in other regions where RPBs have been established, in the Gulf we are concerned with Federal members who were identified to serve on a Gulf RPB in 2012, although the five Gulf states did not agree to participate. Our concern is amplified due to the fact that the NOP states that Federal entities are to implement marine planning in regions even where states decide not to participate.

The foundational recommendations adopted by the NOP noted "these recommendations may create a level of uncertainty and anxiety among those who rely on these resources and may generate questions about how they align with existing processes, authorities, and budget challenges. Six years later that uncertainty and anxiety is higher than ever and those questions are more significant today. The unforced error created by a stroke of the pen continues to needlessly drain resources and energy away from what our industries should and need to be focused on which is generating economic activity and providing recreational and commercial opportunities and enjoyment of our natural resources, all under the oversight of responsible regulation as authorized by Congress. If the Federal Government wants to help fix a problem it should bring industry to the table as an equal partner to work together to address the regulatory maze that is strangling our ability to operate, not create unnecessary uncertainty and anxiety by creating government only entities and regulatory overlays by Executive Order.

Mr. Chairman, this concludes my testimony. Again, I truly appreciate the invitation and opportunity to provide you and the committee with this information. I will be pleased to respond to any questions.

Dr. FLEMING. Thank you, Mr. Zales. The Chair now recognizes Ms. Lapp for 5 minutes.

**STATEMENT OF MEGHAN LAPP, FISHERIES LIAISON,
SEAFREEZE, LTD., NORTH KINGSTOWN, RHODE ISLAND**

Ms. LAPP. Mr. Chairman, Ranking Member, and members of the subcommittee, thank you for the opportunity to testify before you today. My name is Meghan Lapp and I represent Seafreeze, Ltd., the largest producer and trader of sea frozen fish on the U.S. East Coast.

I am here today to convey that the impacts of President Obama's National Ocean Policy are already being implemented through the Fishery Management Councils and NOAA science and policy, even prior to any finalized regional ocean action plan. Rather than detail every specific instance, I would like to relate my personal experiences thus far, and our increased concerns as the NOP process moves forward.

NOAA science is the driving force of fisheries management, and has embraced the fundamental shift to ecosystem-based management embodied in the NOP. Therefore, regulatory bodies such as the Regional Fishery Management Councils are forced to embrace this approach. As a result, the New England Council now has an Ecosystem-Based Fisheries Management Committee, which is conducting an experimental fishery ecosystem plan, as is outlined in

the Policy's Implementation Plan, to implement pilot projects that use an ecosystem-based approach.

Similarly, the Mid-Atlantic Council now has an Ecosystem and Ocean Planning Committee. As an advisory panel member to this committee, I have been asked to give input on policy toward industrial ocean use, habitat impacts, and potential trade-offs, much as is discussed in the Task Force Recommendations on Coastal and Marine Spatial Planning. While incorporating ecosystem considerations in fishery management is not a new concept, it is only recently that directed management efforts have been focused on implementation. While the NOP is touted as non-regulatory, it is clearly controlling the agenda of Federal agencies and regulatory bodies, which will result in new regulations.

One serious concern from a fishery stakeholder perspective is the NOP's commitment to the conservation of important ecological areas, such as areas of high productivity. As part of data collection for the NOP, confidential fisheries data has been compiled into public charts, detailing where concentrated commercial fishing activity currently takes place, a.k.a. areas of high productivity.

For the sake of consistency with NOP conservation, does this mean we could lose access to our fishing grounds? According to the NOP Task Force, the specific questions and concerns of those who rely on marine resources will be addressed as implementation progresses. I find this outrageous.

My experience at a Northeast Regional Planning Body meeting does not serve to ease our concerns. It was very apparent from the discussion that the push was to get the RPB plan done at all costs by 2016.

After the public comment period, during which I raised real fisheries issues, one RPB member stated that the short timeline had reduced the RPB's ability to be transparent and conduct thorough stakeholder engagement, and that they were just going to create a plan because of a timeline without concerns for credibility. To this, one of the co-chairs responded, "We're going to produce a plan, and it's going to get adopted." The NOC Director quietly nodded. As a stakeholder, this tells me that our interests do not really matter.

Another comment that, "At the end of 16 months you want to make this so hard to shut off," tells me that the regional plan is designed to be railroaded through, regardless of future objections.

The Administration's top-down approach on NOP implementation is apparent in the recent marine monument discussion. Last year, an unexpected email announcement was distributed via NOAA's Listserv. It gave stakeholders a 2-week notice that the Administration was considering designating several deep sea canyons as marine national monuments for protection of deep sea corals.

This initiative came soon after the Mid-Atlantic Council had completed a deep sea corals amendment, which included extensive stakeholder input, including an interactive workshop to draw boundary lines. It was also the same time that the New England Council intended to resume work on its own deep sea corals amendment in that very area.

The canyon areas under consideration as marine monuments are extremely productive, and have great economic importance to Seafreeze.

Holding just one public meeting to allow for stakeholder input, NOAA released a comment portal through which stakeholders were directed to submit further comment. Attempting to protect our interests, I submitted not only written comments, but proprietary charts, documenting our vessels' fishing activity in the area to argue that our fishing grounds needed to be kept open.

When I inquired, no one at NOAA could tell me how long the comment period would remain open. Neither could anyone at the agency inform me how or why this discussion was initiated, if there was any specific process being followed, who would be reviewing our comments, who would be presenting them, and to whom. It was like a black hole; we had no idea what was going on.

This is the antithesis of transparency and how decisions should be made. We still live in the uncertainty of what may happen. Since NOP implementation, we have had less clarity and input into our future, not more.

Thank you, and I am happy to answer any questions.

[The prepared statement of Ms. Meghan Lapp follows:]

PREPARED STATEMENT OF MEGHAN LAPP, FISHERIES LIAISON, SEAFREEZE LTD.

Mr. Chairman, Ranking Member, and members of the subcommittee, thank you for the opportunity to testify before you today. My name is Meghan Lapp, and I represent Seafreeze, Ltd., the largest producer and trader of sea frozen fish on the U.S. East Coast. We operate two freezer vessels out of Davisville, RI, that fish from the Canadian line to North Carolina.

I am here today to tell you that the implications of President Obama's National Ocean Policy (NOP) are already being felt and implemented through the Fishery Management Councils and NOAA/NMFS science and policy, even prior to any finalized regional Ocean Action Plan by a Regional Planning Body. Rather than detail every specific, I would like to relate my personal experiences thus far, and the increased concerns I have as the process moves forward.

NOAA science is the driving force of fisheries management, and has embraced the "fundamental shift" to ecosystem-based management. Therefore, fisheries regulatory bodies such as the Fishery Management Councils have also been forced to embrace this fundamental shift. As a result, the New England Fishery Management Council now has an "Ecosystem-Based Fisheries Management Committee," which is conducting an eFEP (experimental Fishery Ecosystem Plan), much as is outlined in the National Ocean Policy Implementation Plan, i.e. to "implement pilot projects that use an ecosystem-based approach" (p. 20; "Pilot projects will . . . enable decision-makers and managers to understand how ecosystem-based management can be most effectively implemented at regional scales . . ."). The Mid-Atlantic Fishery Management Council now has an Ecosystem and Ocean Planning Committee, of which I am an Advisory Panel member. To date as an AP member, I have been asked to give input on policy toward industrial ocean use, as well as habitat impacts/policy, and potential trade-offs, much as is discussed in the Task Force Recommendations on Coastal and Marine Spatial Planning. While incorporating ecosystem considerations in fishery management is not a new concept, it has only been recently that directed management efforts have been concentrated on implementation. While the National Ocean Council and National Ocean Policy are touted as non-regulatory, they are clearly controlling the agenda of regulatory agencies and bodies. This will result in regulations to the end user.

One serious concern from a fishery stakeholder perspective is the policy's commitment to the "reduction of cumulative impacts from human uses on marine ecosystems" (Task Force, p. 33) and the "conservation of important ecological areas, such as areas of high productivity" (Task Force, p. 44). Currently, as part of data collection for the National Ocean Policy, confidential fisheries data has been compiled into public charts that detail where concentrated commercial fishing activity takes place, a.k.a. areas of high productivity. For the sake of NOP "conservation," does that mean we will lose access to our fishing grounds? (Will state or Federal Fishery Management Plans be required to close these areas, due to the fact that NOAA, which must comply with these Task Force Recommendations, has the final say on FMPs? And that the States and Fishery Management Councils on the Regional Planning Bodies will be bound by RPB Plans? The Northeast Regional

Planning Body has a chart on its Web page that states: “Regulatory: Use of Ocean Plan Data in NEPA and regulatory processes,” and documents containing the Task Force mandate as well as potential corresponding regulations for fishery management.) According to the Task Force, the specific questions and concerns of those who rely on marine resources will be addressed “as implementation progresses” (Task Force, p. 9). I find this outrageous.

My experience at a Northeast Regional Planning Body (RPB) meeting does not serve to ease my concerns. It was very apparent from the discussion that the push was to get the RPB Plan done at all costs by 2016. After the public comment period during which I raised real fisheries issues with the process, data, and impacts to fisheries from both an equity and ecological perspective, one RPB member stated that the short timeline had reduced the RPB’s ability to be transparent and do stakeholder engagement, and that they were just going to create a plan because of a timeline without the credibility needed. To this, one of the Co-Chairs responded, “We’re going to produce a plan and it’s going to get adopted” (by the NOC), to which the NOC Director responded by nodding. As a stakeholder, this tells me that my interests don’t matter and that the only goal is implementation by 2016. Another comment that “at the end of 16 months you want to make this so hard to shut off” tells me that the Plan is designed to be railroaded through regardless of future objections.

The Administration’s top down approach cannot be made clearer than through the recent Marine Monument discussion. Last year, an unexpected email announcement went out over NOAA’s Greater Atlantic Regional Fisheries Office listserve. It gave stakeholders a 2-week notice that there was consideration by the Administration to designate several deep sea canyons as Marine National Monuments, one reason of which was protection of deep sea corals. This came soon after the Mid-Atlantic Fishery Management Council had completed a Deep Sea Corals Amendment, which included extensive stakeholder input, including an interactive workshop to draw boundary lines. (Seafreeze was a participant in this workshop.) It was also right about the time when the New England Fishery Management Council intended to resume work on its own Deep Sea Corals Amendment in that very area, during which stakeholders expect a similar interactive process. Many of the environmental NGOs who had taken credit for collaboration in the Mid-Atlantic workshop were among those championing a National Monument designation and a bypassing of the New England Council process. The canyon areas under consideration as Marine Monuments are extremely productive and of great economic importance to Seafreeze. Holding just one public meeting to allow for stakeholder input, NOAA released a comment portal through which to submit further comment. (The original meeting notice stated that comments through the portal had to be submitted by the date of the meeting. The day after the meeting, a notice was released that asked for further comments to be sent “as soon as possible.”) In a frenzied attempt to protect Seafreeze’s interests, I submitted not only written comments but proprietary/confidential charts documenting our vessels’ fishing activity in the area as an argument that our fishing grounds needed to be kept open. When I asked, no one at NOAA could tell me how long the comment period would remain open. Neither could anyone at the agency inform me how or why this discussion was initiated (whether executive request, response to petitions, etc), if there was any specific process being followed, who would be reviewing our comments, who would be presenting them, and to whom. It was like a black hole; we had no idea what was going on. This is disturbing especially considering the type of confidential information I felt necessary to submit. From a current stakeholder’s perspective, this is the antithesis of how decisions should be made. We still live in the uncertainty of what may happen with this.

Since this Policy, we have had less input into our future, not more. Thank you and I would be happy to answer any questions.

Dr. FLEMING. Ms. Lapp, your timing is perfect.

[Laughter.]

Dr. FLEMING. I couldn’t do any better than that.

The Chair now recognizes Mr. Lanard for his testimony.

**STATEMENT OF JIM LANARD, CHIEF EXECUTIVE OFFICER,
MAGELLAN WIND, COLLINGSWOOD, NEW JERSEY**

Mr. LANARD. Thank you, Mr. Chairman, Ranking Member, and members of the committee. Good morning.

My name is Jim Lanard. I am CEO of Magellan Wind, which is an offshore wind developer looking to develop projects on both the West and East Coast of the United States. Formerly I was the founder and first president of the Offshore Wind Development Coalition, which represented offshore wind developers and the supply chain, as we tried to move forward a new policy for the United States. And before that I was Managing Director of Deep Water Wind, which is now building the first offshore wind farm in the United States, off the coast of Rhode Island in state water—five 6-megawatt turbines.

Thank you very much for the opportunity to testify before you today on the implications of the President's National Ocean Policy. I am delighted to have been here 5 years ago, when we first addressed this issue, and now we can give you some updates on our experience.

Let me start by saying that we are proud to report that the implications of the President's National Ocean Policy are strongly positive. The National Ocean Policy looks to support science-based decisionmaking, conflict resolution, data sharing, proactive planning, all leading to sustainable development.

We have a big coast in the United States, 32 states border on coastal waters, about 200 million people live in those states out of our 320 or so million folks, and there are really huge ocean users and valuable resources in those waters: military—national security and national defense are huge users; commercial fishing and aquaculture; cultural and archeological sites for tribal nations; national and international commerce—shipping; recreational uses—fishing, boating, surfing; energy and natural resources—sand mining, oil and gas, soon offshore wind, and eventually marine hydrokinetics; wildlife—sea birds, fish and all marine life; habitat; and aesthetics, the viewshed.

None of these user groups think they are taking up too much space in the ocean. None of them have offered to give back any space to the United States. In fact, there is one thing that all of these groups have in common: they would like more access to larger and larger swaths of the ocean.

There are new defense technologies that need more space out there. There are expanding shipping lanes being proposed. Fishing and aquaculture needs more space. Expanded oil and gas programs are all over the place. There are more protected areas being proposed, and offshore wind wants to come in and work, as well. So how do we decide how to balance all those uses?

I can tell you what definitely doesn't work. What doesn't work is a single-sector decisionmaking process that results in multiple conflicting policy recommendations from too many perspectives. So, what does work to coordinate all those uses? Coordinated, multi-sector, multi-stakeholder process with negotiations and problem-solving, where all interests and stakeholders can work together. It is just common sense, and it is exactly what the President has called for with the National Ocean Policy.

We have had great success in Rhode Island with the Rhode Island Ocean Special Area Management Plan that coordinated Federal and state involvement and came out with a really efficient permitting process.

Offshore wind is new to the oceans. We bring really important things, we think. We are proud that we are going to support energy independence, carbon reduction, efforts to fight climate change, reduce sea level rise, and create high-skilled, high-wage jobs, long term, for the United States.

The Bureau of Ocean Energy Management and the Department of the Interior has worked very hard and already is applying the ideas and the concepts of the National Ocean Policy. They are coordinating with 15 states, they have a Federal-state task force, and they are working to de-conflict the uses with the military, with the Coast Guard, with commercial fishing in these initiatives, and we have had great luck.

There is a bipartisan nature to this. Where Ms. Lapp is in Rhode Island, the Special Area Management Plan was proposed by Republican Governor Don Carcieri. Governor Chris Christie in New Jersey has supported funding for ocean planning processes, as has Deval Patrick, former governor in Massachusetts. And, as the Ranking Member said, these ideas for the NOP came from President Bush's U.S. Commission on Ocean Policy.

This is not ocean zoning, this is ocean planning. There is no regulatory authority in any of the National Ocean Policy requirements, whatsoever. It is more for data collection, so that we can get to a rational decisionmaking process, and have a multi-sector outcome, not a single-sector outcome.

The NOP establishes an excellent planning process for better planning, better cooperation, and better management. There is still much to be done, but when we achieve these results we will see conservation of ecosystems, we will ensure an orderly and economically sustainable development of ocean resources, comprehensive data ports, and maps for all users. Minimizing conflicts for existing and for future users, we balance the needs of all users, and we will ensure environmental constraints will be considered before a project is fully developed.

We are going to find common ground. That is what this purpose is.

Thank you very much for the time.

[The prepared statement of Mr. Lanard follows:]

PREPARED STATEMENT OF JIM LANARD, CEO, MAGELLAN WIND

INTRODUCTION

Good morning, Mr. Chairman and members of the committee. My name is Jim Lanard, co-founder and CEO of Magellan Wind, an offshore wind development company. Previously I was co-founder and president of the Offshore Wind Development Coalition (OffshoreWindDC) and, before that, Managing Director of Deepwater Wind, developer of the Block Island Wind Farm, which is scheduled to begin operation later this year as the Nation's first offshore wind farm. Thank you for the opportunity to present our testimony to you today on "The Implications of President Obama's National Ocean Policy." I'm delighted to report that the implications of the President's National Ocean Policy are strongly positive. The National Ocean Policy seeks to promote industry development that is sustainable and complements the variety of development activities already occurring in the ocean, reducing industrial risk and conflict.

In October 2011, I had the privilege to present testimony to this committee on President Obama's new National Ocean Policy (NOP), at which time I was serving as president of OffshoreWindDC, an industry trade group, which has since been merged with the American Wind Energy Association. I've reviewed what I said in 2011, appearing as president of OffshoreWindDC and those comments align with my views in 2016 as CEO of an offshore wind development company. I'd like to summarize some key points I made in 2011 and update them with comments on the impressive progress the Administration has made toward full implementation of the National Ocean Policy.

THE PRESIDENT'S NATIONAL OCEAN POLICY

October 2011 Testimony of OffshoreWindDC. Offshore wind resources can play a vital role in the Nation's effort to restructure its electrical power sector in a manner that increases employment and manufacturing opportunities, improves national security, reduces price volatility, and combats climate change. OffshoreWindDC supports the Administration's efforts to create a national oceans policy and implement coastal and marine spatial planning in U.S. waters.

May 2016 Update. Multiple states have already developed plans for their state waters. The National Ocean Policy seeks to build on these state-driven initiatives. For example, one of the best examples of a successful broad-based stakeholder ocean planning process is the development of Rhode Island's Ocean Special Area Management Plan (Ocean SAMP). The Ocean SAMP was supported by the U.S. Department of the Interior, the U.S. Environmental Protection Agency, RI Department of Environmental Management, RI Coastal Resources Management Council (CRMC), the Chair of the CRMC's Fisheries Advisory Board (a lobsterman), and the Conservation Law Foundation—a group whose members aren't always on the same side of the table with industry.

The Ocean SAMP research and final reports enabled Deepwater Wind to expedite development of the Block Island Wind Farm without compromising on the thoroughness of reviews needed to avoid environmental harms, protect health and safety, and resolve stakeholder conflicts. In a recent news article celebrating the 5-year anniversary of the development of the Ocean SAMP, Grover Fugate, CRMC Executive Director, stated that, "People ask why would [the state] want to engage in marine spatial planning? It comes down to, who do you want to control your destiny? In terms of the science and uses and what we wanted to protect, the state took the role in setting forth a plan of where they wanted to see development go, rather than reacting to proposals." We anticipate that the regional planning underway for the Northeast and Mid-Atlantic will help our industry and others to identify successful locations. We'll also be able to plan ahead for potential ocean use conflicts, including taking environmental constraints into consideration, before a project is fully developed, saving the industry time and money.

October 2011 Testimony of OffshoreWindDC. One critical goal of the National Ocean Policy is to create better planning to protect our oceans in the future, especially as demands on them continue to grow. Planning requires informed, broad-based data collection and data integration managed by a vast array of Federal agencies. My earlier testimony made the point that better plans lead to road maps that can guide current and future users of the oceans about how to best achieve their business plans. Thus, these types of planning and data collection efforts will help industry by providing more certainty about the rules of the road. Certainty can help to avoid conflict and improve efficiency.

Comprehensive, science-based management of ocean resources can supply needed data on existing and potential uses of ocean resources and a critically needed framework for analyzing those data to characterize and resolve conflicts.

May 2016 Update. The NOP's planning framework favors multi-sector participation and decisionmaking, in contrast to the previous framework's focus on separate, single-sector planning efforts. The siloed, single-sector approach sometimes resulted in multiple, conflicting policy recommendations from numerous Federal and state planning agencies. Multi-sector planning reduces conflicts and improves the decisionmaking process thereby supporting efficient and coherent outcomes. The NOP is making great strides to improve offshore permitting efficiency and Federal agency coordination.

October 2011 Testimony of OffshoreWindDC. Unlike some users of the oceans and Great Lakes, we don't consider coastal and marine planning to be an ocean zoning exercise. Rather, we see it as a process to identify ecologically and socially significant areas that should be considered whenever any use is proposed for a specific area. While it is true that these plans could indicate preferences and priorities, pro-

posed uses for any site will still have to be studied separately. We also think ocean planning is important to protect marine ecosystems while ensuring the orderly and sustainable development of ocean resources in a manner that respects and minimizes conflicts and existing uses including commercial fishing, recreational boating, surfing, aesthetic appreciation, wildlife, habitat, shipping, oil and gas and national defense activities.

Ocean planning is not new to the United States. And it's not a partisan issue, either. In the past, Massachusetts, Rhode Island and New Jersey led by governors from both parties have relied upon their states' ocean planning processes to identify the best sites for offshore wind farms. None of these processes has resulted in ocean zoning outcomes; rather, they have identified areas with the least conflicting uses for the potential development of offshore wind farms.¹ In each of these state's processes there was extensive stakeholder involvement. The National Ocean Policy requires the Regional Planning Bodies to ensure similar extensive stakeholder participation, a critical component as ocean planning evolves in the United States.

May 2016 Update. The NOP calls for the establishment of Regional Planning Bodies (RPB), two of which, the Northeast RPB and the Mid-Atlantic RPB, are expected to publish their draft regional ocean plans for public comment in the next month or two. Both of these RPBs adopted processes that engaged a broad set of stakeholders including those from a range of ocean industries from shipping, ports, offshore energy, tug and barge operators, commercial and recreational fishing, undersea cable companies, and recreational boating to name a few, who contributed industry data, identified future industry trends, and made recommendations to improve coordination. These efforts prove the value of collaboration among stakeholders with varied interests working together to find common ground and to collect data on environmental resources and human use that can be used to make better management decisions.

Planning not only promotes better management decisions but also improves national security. In a policy brief by the Center for American Security,² authors stated that "[a]s a primary user of the coastal ocean, the U.S. military needs dedicated and charted offshore areas in which to train and conduct exercises to prepare for war, thwart terrorist activities and prevent other threats against the United States. For the Navy, Coast Guard and Marine Corps, operating in the coastal ocean is critical to maintaining operational readiness. Although the ocean may seem vast, a unified effort is necessary to balance increased offshore activity with the need to maintain U.S. military proficiency and national security and ensure the safety and sustainability of this vital resource The development of a national coastal ocean mapping system would benefit all coastal ocean users and is an integral step toward more effective and thorough ocean planning. Through comprehensive awareness of major offshore activity, the United States would simultaneously advance national security, economic development and ocean conservation."

Ocean planning has been and should continue to be bi-partisan. I would like to remind this committee that the National Ocean Policy came out of recommendations from the U.S. Commission on Ocean Policy, the members of which were appointed by George W. Bush. Additionally, the Rhode Island Ocean SAMP, referenced above, was actively supported by former Republican Governor Donald Carcieri during his tenure in the State House. New Jersey Governor Chris Christie and former Massachusetts Governor Deval Patrick have also supported funding for state ocean planning processes. In a letter submitted in March 2016 to this body, the Chamber of Shipping of America, East Coast Shellfish Growers Association, Northeast Marine Pilots Association, Massachusetts Lobstermen's Association, Oregon Wave Energy Trust, and Lenape Indian Tribe of Delaware along with 117 other organizations representing a huge array of interests from conservation to industry supported ocean planning for our coastal communities, economies, and ecosystems. I hope this committee recognizes the value of RPBs, the bi-partisan nature of ocean planning, and will choose to support additional funding for the NOP and the important work of states, Federal agencies, industry and conservation stakeholders, and tribes.

¹For more information see: the Massachusetts Ocean Management Plan, (http://www.mass.gov/?pageID=eoeeterminal&L=3&L0=Home&L1=Ocean+%26+Coastal+Management&L2=Massachusetts+Ocean+Plan&sid=Eoea&tb=terminalcontent&f=eea_oceans_mop&csid=Eoea), the Rhode Island Ocean Special Area Management Plan (RI SAMP), <http://seagrant.gso.uri.edu/oceansamp/>, and the New Jersey Ocean/Wind Power Ecological Baseline Studies, <http://www.nj.gov/dep/dsr/ocean-wind/>.

²http://www.cnas.org/sites/default/files/publications-pdf/OceanMapping_MedinaSmithSturgis.pdf.

Three other topics addressed in OffshoreWindDC's October 2011 testimony to the committee also merit re-emphasis in updated form:

Job creation.

The offshore wind industry has the potential to create thousands of highly skilled jobs in the United States. Offshore wind creates employment in the manufacture of wind farm components as well as in the installation and operation of the wind farms. To realize the full job-creating potential of offshore wind development, however, it will be necessary to build offshore wind farms at scale, as is occurring today in Europe and China. Manufacturers will invest in the United States only if they have the orders needed to justify the investment. Factories for the manufacture of wind turbines (composed of as many as 8,000 discrete parts), plants that manufacture submarine cable, and shipbuilding facilities needed to build special purpose vessels for the offshore wind industries. We hope the committee and the rest of the Congress will support initiatives to spur development of these facilities so that U.S. workers can join the world's growing offshore wind workforce.

Utility-scale offshore wind farms: a new use of the oceans and Great Lakes.

U.S. coasts and the adjoining exclusive economic zone, along with the Great Lakes, have historically supported a wide range of industrial, commercial, national defense, and cultural and recreational activities. These areas are coming under growing competitive pressure from a variety of sources. There are calls for expanded oil and gas drilling and for new and expanded shipping lanes, commercial fishing, aquaculture, and new defense technologies; increased recreational demand also contributes to the pressure. Offshore wind power, which has the potential to generate clean, renewable energy for millions of homes up and down our coasts, adds another use to the mix.

Lease areas for offshore wind farms can be as large as 200 or 300 square miles. Distances between turbines, which increase with rotor diameter due to the need to limit turbulence and wake effects, range from a half mile to almost a mile. This ensures that many other ocean uses will be feasible at wind farm sites. We recognize, however, that advancement of the public interest in balanced, sustainable use of ocean and Great Lakes resources will require better planning, better cooperation, and better management. Magellan believes that the President's National Ocean Policy provides an essential framework for achieving the needed improvements.

DOI's Smart-from-the-Start

Congress, when it enacted the Energy Policy Act of 2005, mandated that regulations related to the use of the Outer Continental Shelf for offshore wind be adopted within 180 days of the bill becoming law. Five years later, on April 29, 2009, those regulations were finally adopted by the Department of the Interior. Interior, in collaboration with the governors of many East Coast states, announced in November 2010 the Smart-from-the-Start initiative, a program designed to accelerate the responsible development of offshore wind resources in Federal waters.

Interior noted that the Smart-from-the-Start process and associated data collection efforts can inform the Coastal and Marine Spatial Plans that will be developed by Regional Planning Bodies created pursuant to the National Ocean Policy. Smart-from-the-Start takes into account existing information on wildlife and ecosystems and other uses of the ocean (e.g., fishing and shipping) and thus attempts to "take into account the national CMSP (Coastal and Marine Spatial Planning) goals and principles," as recommended in the Final Report of the Ocean Policy Task Force. Final Report at 63. In important ways, the development of offshore wind farms can provide a test case for putting CMSP principles into practice.

CONCLUSION

In summary, we congratulate the Administration for the effective implementation of the National Ocean Policy. While there is still much to be done, the progress to date bodes well for ocean management so that all stakeholders can continue to use and enjoy ocean resources in balanced, sustainable ways. The National Ocean Policy is helping conserve marine ecosystems and ensure the orderly and economic development of ocean resources, in a manner that respects and minimizes conflicts with existing users while promoting emerging technologies. We are eager to support our Nation's efforts to create more jobs for U.S. workers; thoughtful implementation of the National Ocean Policy will achieve this goal and promote greater certainty for American businesses.

Thank you for the opportunity to share our thoughts with you.

Dr. FLEMING. Thank you, Mr. Lanard.
And finally, Mr. Keppen, you are recognized.

**STATEMENT OF DAN KEPPEM, EXECUTIVE DIRECTOR, FAMILY
FARM ALLIANCE, KLAMATH FALLS, OREGON**

Mr. KEPPEM. Good morning, Chairman Fleming, Ranking Member Huffman, and members of the subcommittee. My name is Dan Keppen, and on behalf of the Family Farm Alliance, I thank you for this opportunity to present this testimony on implications of the Obama administration's National Ocean Policy.

Family Farm Alliance is a grassroots organization of family farmers, ranchers, irrigation districts, and allied industries in the 16 Western states. A critical issue that the Western family farmers and ranchers are confronted with at this time is the daunting number of Federal administrative policy initiatives they face.

Nearly 6 years ago, President Obama signed an Executive Order to implement a National Ocean Policy, or NOP. The policy sets forth yet another level of Federal management oversight intended to improve the way inland ocean and coastal activities are managed. Unfortunately, this has the potential to impose negative impacts, intended or not, on the Western interests we represent.

In early 2012, the White House released its draft NOP Implementation Plan, which made it clear that activities that might adversely affect the ocean ecosystems may also be impacted. Because of this, we are uncertain as to whether the Administration's ocean policy intends to revise existing regulations or impose new regulations on activities that are already permitted by the Federal Government.

We certainly can support the goals of the NOP, which are intended to guide Federal agencies to, among other things, ensure the protection, maintenance, and restoration of the health of oceans, enhance ocean and coastal economies, and preserve our maritime heritage. We support the NOP's intent to provide financial assistance to private landowners who want to apply voluntary conservation practices. NOP's acknowledgment of the importance of collaborative watershed restoration efforts is also a good thing.

On the other hand, we fear that the Regional Planning Bodies with a strong Federal presence proposed under the ocean policy framework could dramatically increase the role of Federal agencies on inland areas. We believe NOP will affect already budget-strapped agencies that interact closely with Western agricultural irrigators, including the USDA. Despite USDA's involvement in the National Ocean Policy over the past 3 years, the full extent of the Department's activities and role in the process are still not clear.

The NOP would also establish a framework for collaboration and a shared set of goals to promote ecosystem-based management, which would allow new Regional Planning Bodies to potentially impact activities that occur on lands that drain into the ocean. This objective involves vague and undefined goals and policies that we know from experience can be used by critics of irrigated agriculture as a basis for lawsuits to stop or delay federally permitted activities.

Finally, we believe there is a risk of unintended economic and societal consequences associated with implementing this policy. The

NOP creates the potential for unforeseen impacts to inland sectors, like agriculture. The family farmers and ranchers we represent are part of a \$172 billion contribution that Western irrigated agriculture makes to our economy every year. Our producers also contribute to a luxury our Nation's citizens enjoy. That is, they spend less of their disposable income on food than anywhere else in the world.

We must move away from spending Federal funds to support new bureaucracies and procedures that could lead to further uncertainty, restrictions, and delays. Instead, taxpayer dollars should be allocated to existing and proven entities, programs, and activities that have already been authorized. Congress should work to delay implementation of this ocean policy, which would provide more time for oversight and examination of potential impacts of the NOP. Requiring a report on the activities that USDA and other Federal entities have engaged in and the resources expended related to implementation of this policy could, in fact, lead to better public policy.

The proposed NOP is just one Federal regulatory initiative of dozens that we have been tracking in recent years. In fact, the president on my board of directors at this very moment is participating in another oversight hearing just down the hall, focusing on the myriad of new regulations he and other farmers and ranchers currently face.

As is often the case, it is unclear how this new policy and others will impact watershed planning efforts being conducted at the state and local levels, some with the assistance of Federal agencies. Many of these processes and actions will have very real and yet-to-be-measured negative impacts on Western irrigated agriculture. Others simply offer the potential for disruption.

In conclusion, I ask that you put yourself in the shoes of our family farmers and ranchers as they try to assess the cumulative effects of all these regulatory measures. It is time to call time out, and take a look at these impacts before we add new chapters to what our members already see as a very large rulebook. We welcome your leadership to help make this possible. We are pleased that your committee is paying attention and providing this opportunity to voice our concerns.

Thank you for this opportunity to provide this testimony today.
[The prepared statement of Mr. Keppen follows:]

PREPARED STATEMENT OF DAN KEPPEN, EXECUTIVE DIRECTOR,
FAMILY FARM ALLIANCE

Good morning Chairman Fleming, Ranking Member Huffman and members of the subcommittee. My name is Dan Keppen, and on behalf of the Family Farm Alliance (Alliance), I thank you for this opportunity to present this testimony on the implications of the Obama administration's National Ocean Policy. The Alliance is a grass-roots organization of family farmers, ranchers, irrigation districts, and allied industries in 16 Western states. The Alliance is focused on one mission: To ensure the availability of reliable, affordable irrigation water supplies to Western farmers and ranchers. We are also committed to the fundamental proposition that Western irrigated agriculture must be preserved and protected for a host of economic, sociological, environmental, and national security reasons—many of which are often overlooked in the context of other national policy decisions.

The Family Farm Alliance has a reputation for helping to solve Western water challenges in a constructive way. There are critical issues that the Western family farmers and ranchers we represent are confronted with at this time. At the top of

the list is the daunting number of Federal administrative policy initiatives that are facing Western agricultural producers.

In this instance, we are uncertain how the Administration's ocean policy will be implemented. What will the role of states and stakeholder user groups be? Have potential impacts to the economy, the Federal budget, and existing statutes and regulatory processes been assessed? How will this complement or conflict with the authority of states? For these reasons, we are concerned that this policy could dramatically increase the role of Federal agencies on inland rivers and adjacent lands as they might pertain to the much larger problem of ocean health, as further outlined in this testimony.

BACKGROUND OF EXECUTIVE ORDER 13547

On July 19, 2010, President Obama signed Executive Order 13547 to adopt the final recommendations of the Interagency Ocean Policy Task Force to implement a new National Ocean Policy (NOP). The policy sets forth yet another level of Federal management and oversight intended to improve the way inland, ocean and coastal activities are managed. Unfortunately, this has the potential to impose negative impacts—intended or not—across a spectrum of sectors, including the Western agricultural producers and irrigation organizations we represent.

In early 2012, the White House released its draft National Ocean Policy Implementation Plan, which made it clear that activities that might adversely affect the ocean ecosystems may also be impacted—no matter how far inland they may occur. While the NOP states that National Ocean Policy nor marine planning “creates or changes regulations or authorities,” it also proposes that agencies will “coordinate to use and provide scientifically sound, ecosystem-based approaches to achieving healthy coastal and ocean habitats.” From our standpoint, this presents significant uncertainty as to whether the Administration intends to revise existing regulations or impose new regulations on activities that are already permitted by the Federal Government.

SUPPORT FOR THE NOP'S VOLUNTARY INCENTIVE-DRIVEN PROVISIONS

The Family Farm Alliance has long advocated a voluntary, incentive-driven philosophy to advance conservation, and thus we support the NOP's intent to provide financial assistance to private landowners seeking to apply voluntary conservation practices. We were pleased to see the NOP acknowledge that “collaborative watershed restoration efforts are important to the overall success of coastal and marine habitat conservation,” a principle we also embrace.

However, the NOP then points to restoration efforts for Pacific Northwest salmon as an “excellent example of collaborative, voluntary upland watershed conservation and restoration.” Unfortunately, the courts do not always agree, as underscored by the recent decision by U.S. District Judge Michael H. Simon, who ruled the Federal Government hasn't done nearly enough to improve Northwest salmon runs. “These efforts have already cost billions of dollars, yet they are failing,” he wrote earlier this month.

Now, certain environmental groups say the Snake River Dams—which fuel much of the Northwest's baseload power supply (backing up wind energy and other renewables) and make possible irrigation and navigation for moving agricultural commodities to market—are seen as the problem, and must come down. As further described below, our members fear that the “Federal Regional Planning Bodies” proposed under the Ocean Policy framework could dramatically increase the role of Federal agencies on inland rivers and adjacent land uses, including all uses (Ag, irrigation, ports, etc.), at a time when other hydropower dams are under ongoing litigation by certain environmental groups.

CONCERNS OF WESTERN FAMILY FARMERS AND RANCHERS

The Family Farm Alliance certainly can support the goals of the NOP, which are intended to guide Federal agencies to “ensure the protection, maintenance and restoration of the health of ocean, coastal and Great Lakes ecosystems and resources, enhance the sustainability of ocean and coastal economies, preserve our maritime heritage, support sustainable uses and access, provide for adaptive management to enhance our understanding of and capacity to respond to climate change and ocean acidification, and coordinate with our national security and foreign policy interests.” However, we have several concerns that extend beyond this broad intent.

Funding Concerns

We believe NOP will affect already budget-strapped agencies that interact closely with Western agricultural irrigators, including the U.S. Department of Agriculture

(USDA), the National Oceanic and Atmospheric Administration (NOAA), the Departments of Commerce and the Interior, the Environmental Protection Agency (EPA), and the Army Corps of Engineers (Corps). Despite USDA's involvement in the National Ocean Policy over the past 3 years, the full extent of the Department's activities and role in the process is not clear. As Federal budgets are further reduced, it is unclear how much funding the agencies will be taking from existing programs to develop and implement this new initiative.

Uncertain Impacts to Inland Areas

The NOP proposes that, working through the U.S. Coral Reef Task Force, agencies will coordinate to address key threats to coral reef ecosystems, including impacts from land-based sources of pollution. Through "more effective use" of voluntary programs, partnerships and pilot projects, agencies will work to "reduce excessive nutrients, sediments and other pollutants." The NOP would also establish a framework for collaboration and a shared set of goals to promote "ecosystem-based management," where agencies will "develop principles, goals and performance measures" that support this management philosophy.

The 'ecosystem-based management' objective created by this Executive Order would allow federally dominated Regional Planning Bodies to reach as far inland as deemed necessary to protect ocean ecosystem health. It could potentially impact all activities that occur on lands adjacent to rivers, tributaries or watersheds that drain into the ocean. For example, although the policy is portrayed by the Administration as primarily targeting ocean-related activities, the draft implementation plan specifically states that the policy plans to address "the major impacts of urban and suburban development and agriculture—including forestry and animal feedlots."

The 'ecosystem-based management' objective involves vague and undefined goals and policies that we know from experience can be used by critics of irrigated agriculture as the basis for lawsuits to stop or delay federally permitted activities. For example, the National Marine Fisheries Service (NMFS) has determined that Central Valley salmon populations will go extinct unless government agencies change their water operations in California. In a draft ruling, NMFS concluded that the southern resident population of killer whales may go extinct because its primary food—salmon—is imperiled by California's network of dams and canals. Similar sinister linkages between orcas and potato farmers (located hundreds of miles from the Pacific Ocean) were contemplated as a biological opinion was being drafted by NMFS for the Klamath Irrigation Project. In addition to opening up the possibility of further such 'ecosystem-based' relationships, the NOP sets up 'pre-application consultations' where requested Federal permits would be subject to additional consultation processes prior to any formal consideration, adding yet another layer of Federal oversight and bureaucratic controls.

Finally, we believe there is a high risk of unintended economic and societal consequences associated with implementing this policy, due in part to the unprecedented geographic scale under which the policy is to be established. As currently set forth, the National Ocean Policy creates the potential for unforeseen impacts to inland sectors such as agriculture, which is connected via the "ecosystem"-based approach to the ocean. The family farmers and ranchers we represent are part of a \$172 billion contribution the "Irrigated Agriculture Industry"—made up of direct irrigated crop production, agricultural services and the food processing and packaging sectors—makes to our economy every year. Our producers also contribute to a luxury our Nation's citizens enjoy: spending less of their disposable income on food than anywhere else in the world.

RECOMMENDATIONS

Rather than expend Federal funds to support new bureaucracies, procedures and regulations that could lead to further uncertainty, restrictions and delays, scarce taxpayer dollars should be allocated to existing entities, programs and activities that have already been authorized by Congress and are necessary for businesses and the economy to properly function. Given these concerns, Congress should work to delay implementation of the National Ocean Policy. This would provide more time for oversight and examination of potential impacts of the NOP, and help ensure an ocean policy that appropriately reflects and enhances the role that our oceans, coastal areas and marine ecosystems play in our Nation's economy, national security, culture, health, and well-being.

USDA is a member of the National Ocean Council, and USDA representatives have been identified to serve on "Regional Planning Bodies" charged with developing "Coastal and Marine Spatial Plans" in regions including the Northeast and Gulf of Mexico. Since the National Ocean Policy was established pursuant to Executive

Order 13547 in July 2010, entities across the Federal Government, including USDA, have been committing unknown amounts of resources and personnel toward the development of an initiative that has not been authorized by Congress. Requiring a report on the activities that USDA and other entities across the Federal Government have engaged in and the resources expended in furtherance of National Ocean Policy implementation could lead to better public policy and would ensure the kind of transparency that the American taxpayer deserves and expects.

CUMULATIVE IMPACT OF NEW REGULATIONS IN THE WEST

The proposed National Ocean Policy is just one Federal regulatory initiative of dozens that we have been tracking in recent years. As with many of these administrative proposals, the related implications and estimated impacts on our members are often difficult to ascertain. However, our members are wary of how these plans may impact existing and ongoing watershed planning efforts being conducted at the state and local levels, some with the assistance of these Federal agencies themselves.

Thousands of watershed councils exist throughout the West and they are engaged in a variety of conservation and restoration projects which could be derailed or delayed by the imposition of new Federal planning requirements. Water users are often active participants in these efforts and have a large stake in ensuring that these projects continue. We need to be sure that new overarching planning groups and programs are really necessary or are wasteful expenditures of public resources. In addition, the Obama administration needs to be cognizant of the difference between water resource regulation under Federal environmental laws and water resource management which is conducted pursuant to state law.

At a time when our Nation is struggling to return to the path of economic prosperity, we cannot support the creation of a new Federal watershed planning program linked to ocean health, particularly for those states that already have existing, productive watershed programs in place. Federal participation should be channeled through these existing state programs, rather than creating uncertainty through potentially cumbersome, overarching new Federal requirements which threaten to derail important water quality and water conservation projects already underway.

We have yet to see if many of the administrative policy initiatives proposed by the Obama administration in the past 7 years have been successful in their intent. More importantly, we still are trying to determine what their cumulative impacts will be on Western irrigated agriculture. These types of Federal water resources actions and regulatory practices could potentially undermine the economic foundations of rural communities in the arid West by making farming and ranching increasingly difficult.

At multiple times over the past 7 years, we have updated a growing list of these and other newly proposed actions. While we are not yet sounding the alarm of imminent destruction of irrigated agriculture as we know it, we do believe many of these processes and actions will have very real and yet-to-be measured negative impacts on Western irrigated agriculture. Others simply offer the potential for disruption.

We ask that you, the members of this subcommittee, put yourself in the shoes of our family farmers and ranchers as they view these daunting administrative initiatives in the course of growing food and fiber for our Nation and the world in an already daunting environment of risks beyond their control. It is difficult to assess the cumulative effects of these regulatory measures, which really should be assessed and calculated before adding additional chapters to what our members already see as a very large rulebook.

CONCLUSIONS

American family farmers and ranchers for generations have grown food and fiber for the world, and we will have to become more innovative than ever before to meet the critical challenges ahead, including feeding a growing world population on less land and with less resources. That innovation must be encouraged rather than stifled with new layers of Federal regulations and uncertainty. Unfortunately, many existing and proposed Federal water resource policies make it even more difficult for farmers in an arena where agricultural values are at a disadvantage to Federal ecological and environmental priorities.

Many of these administrative changes are drawing praise from environmental organizations that have been advocating for them for some time, but ultimately the huge negative impacts of such destructive policies will be aimed at the heart of the economy in rural America. We can only hope that the Federal Government will give equal consideration to the concerns of our farmers, ranchers and agricultural organizations.

We welcome your leadership to help make that possible. We are pleased that your committee is paying attention and providing this opportunity to voice our concerns. We look forward to working with you and other Members of Congress toward this end.

Thank you for this opportunity to provide this testimony today.

Dr. FLEMING. Thank you, Mr. Keppen.

Thank you all for your valuable testimony. At this point, we would begin our questions for our witnesses. We may not finish our questions in the first round, we may have a second round. I see a lot of interest around the dais. I yield myself 5 minutes to begin questions.

First of all, just a commentary. We have heard it said that this is, at worst, benign but could actually be helpful. Mr. Lanard talked about that. Mr. Huffman talks about how this is sort of a new kind of air control system that would be in the water.

I understand all of that, but let's look at what has actually been happening. Today the regulatory system of the Obama administration has become the fourth branch of government, writing laws and enforcing them by unelected bureaucrats who have absolutely no accountability. And what gives us even more pause for concern is the lack of transparency in this entire process. That is another danger sign that we are going to have a continued growth of this unaccountable new form of government.

Captain Zales, Mr. Lanard testified that this is necessary to eliminate conflicts between industries, such as offshore development, and commercial and recreational fishing. You have been fishing in the Gulf for some time now. What is your understanding of the relationship between our offshore oil rigs and commercial and recreational fisheries?

Mr. ZALES. It is an excellent relationship. I mean, clearly—and I was told red snapper is not to be discussed, but in the Gulf of Mexico, according to some key scientists such as Dr. Bob Shipp, without the oil rig situation and the energy production in the Gulf of Mexico, red snapper probably would not be rebuilt and expanding the way that it is today. Because of the platforms and the artificial structure that they create, they have enhanced the resource in areas of the Gulf to where, traditionally and historically, those areas did not produce.

Dr. FLEMING. Red snapper is a reef fish and it loves oil rigs.

Mr. ZALES. Exactly. And a lot of other artificial structures.

Corals have formed up on some of these platforms in the Northern Gulf that previously were non-existent. So it is clear that the impact is a healthy impact. The relationship is good. There are a lot of fish. People fish around those rigs where they are located every day.

Dr. FLEMING. Well, by the same token, if we had this coastal and marine spatial planning, could it disrupt or possibly destroy the harmony that is currently in place?

Mr. ZALES. It very well could. I mean, in existence today because of the BOEM situation and the mine-utilized rigs that they have taken out, and places in offshore Texas where they have taken out a lot of rigs that were non-productive, fishing is not near as good as what it once was because those rigs have been removed.

Dr. FLEMING. OK.

Mr. ZALES. Whenever you take that habitat out of the water, fish have to have a place to live.

Dr. FLEMING. OK.

Mr. ZALES. It destroys the situation.

Dr. FLEMING. Thank you, Captain.

Ms. Lapp, you are very involved in the Regional Planning Body. Talk to me about transparency. What kind of transparency in this process are you seeing?

Ms. LAPP. At that Northeast Regional Planning Body meeting that I did attend, one of the members acknowledged that they were lacking in transparency, and that it was undermining the credibility of the whole process. Stakeholders are not involved.

Dr. FLEMING. And as a stakeholder and industry representative, what sort of message does this send?

Ms. LAPP. That they are going to get an agenda pushed through at all costs by the end of this year.

Dr. FLEMING. OK. So, it is a determined bureaucratic body, unelected officials who are accountable to no one, including Congress, that push through their agenda, whatever it is, regardless of what industries are affected, what citizens believe, what voters think, and what Americans in general would believe and would clearly understand.

Mr. Keppen, do you have any comments about any of the issues we have brought up here?

Mr. KEPPEEN. Well, again, I like the comment I heard earlier by one of the Members, death by a thousand cuts. In the last 7 years, a good portion of my time and my organization's time has been spent just trying to weigh in on all these various rulemakings that are occurring; and cumulatively, what does it mean?

Dr. FLEMING. Do you think this suppresses the economy of your industry and others around you?

Mr. KEPPEEN. Well, it definitely creates uncertainty, and I think it opens the potential for actions that could be taken that could definitely have an impact on producers in the Western United States.

Dr. FLEMING. Well, you heard Mr. Huffman say that the ocean industry has outstripped our economy. But what kind of affects me about that is the fact that our economy in the last 10 years has had the worst growth in history. It does not take much to outstrip our general economy today.

Thank you, and I yield to Mr. Huffman.

Mr. HUFFMAN. I would like to start with Mr. Lanard.

Mr. Lanard, I guess about 5 years ago, there was a series of hearings by the Majority on this National Ocean Policy. I believe you may have participated and testified in at least one of them. And, instead of supporting the plan for our oceans that had been recommended on a bipartisan basis, and supported by President George W. Bush, the Republican Majority pursued some of the same things we are hearing today, a lot of speculative scare tactics about things that might happen, about additional regulations that could come into play and hurt American jobs.

But we now have the benefit of a few years of actual practice. I wanted to ask you about that, because it seems to me that we

are seeing real results. Better coordination between agencies and stakeholders, I am told has helped spur the first aquaculture permits in both the Atlantic and Pacific waters, and generated more than \$100 million for our states in multi-use Rigs-to-Reefs projects.

I am told that the National Ocean Policy has actually facilitated extension of Rigs-to-Reefs into Federal waters in places like the Gulf of Mexico, which should be a good thing for fishing, going forward, to Mr. Zales's point; supported the growing offshore wind industry; and encouraged job growth and independence from foreign energy pressures.

I want to ask you, Mr. Lanard, having heard from other witnesses and my colleagues across the aisle, do you agree that the National Ocean Policy causes more uncertainty and confusion for stakeholders? You certainly heard all these arguments back in 2011, when you testified at a similar hearing. But in your experience, has the policy helped increase or reduce stakeholder participation and certainty?

Mr. LANARD. We have worked with the Department of the Interior, the Bureau of Ocean Energy Management, and many of the other departments to find out how to move offshore wind into the commerce sector of the ocean, which has so many other competing uses. And the Bureau of Ocean Energy Management has been remarkably efficient. They have created state and Federal task forces that bring in all the different interests so that people can comment and weigh in, and then de-conflict those uses. It is a really good process, and it is efficient.

I think one of the things that is very important for this committee to fully appreciate is that these are voluntary ocean plans. There is no Regional Planning Body that has to adopt a plan. And when it does, as the Northeast plan is coming up, it is going to be open to public comment again for the public to weigh in.

The majority of members of these planning bodies are state officials and representatives, not Federal officials. So, we are not creating a Federal bureaucracy, we are helping the states inform the Federal Government how all of us can do a more efficient job to manage these different uses.

And Mr. Huffman, directly personal to you, I want to tell you that the northern part of your congressional district has some of the best winds for offshore wind in the United States, and we will be looking forward to putting a lot of your constituents to work out there, building these wind farms.

Mr. HUFFMAN. I appreciate the reference to the beautiful Second Congressional District.

I want to ask you, though, about marine spatial planning, which is not fully implemented at this point. Many ocean decisions are single sector, single agency. You referred to that in your testimony. Mr. Lanard, are there times right now where you have seen the wind industry struggle to have its interests represented by other Federal agencies because of that single sector, single agency process?

Mr. LANARD. No, and let me bring up the Department of Defense, which is going to be the most resistant to any effort to cede its territory. We have a great working relationship with the Department of Defense. We go to the Pentagon, we meet with the Regional

Clearinghouse on Renewable Energy. We meet with the Department of Navy, of course, which is the most important of those agencies for surface water use and subsurface water use. And they are working really hard with us to de-conflict this and find ways of working together.

I think the biggest issue with the Navy might be a radar issue, because our towers 15 or 20 miles off the coast might have some radar issues. We will resolve that, just like they have on land.

Mr. HUFFMAN. Well, let me just say, back to the second district, it is going to be a real regulatory challenge for you or anyone else to do a project in an area that has such an overlay of coastal act, coastal commission, marine-protected areas, sanctuaries, et cetera. I am not sure that needle can be threaded. But if there is a spot that is suitable for offshore wind—and I don't know, you would know better than me—it is inconceivable to imagine you ever navigating all of those layers of law and regulation and permitting without agencies talking to each other.

So, it seems to me a pretty good example of a case study of why this sort of coordination and communication is needed, and I appreciate your testimony.

Dr. FLEMING. Chairman Bishop is recognized.

The CHAIRMAN. Thank you. And I am making an assumption here that when you said California, the Second District of California had great opportunity for wind farms, I am assuming you are talking about natural occurrence and not the rhetoric of the Representative from California.

[Laughter.]

Mr. LANARD. Talking far off the coast.

The CHAIRMAN. All right. I guess it is both. OK, fine.

One of the issues for which we are here is because when Congress does something, as slow as it is, our attempt is to do it correctly. When the Administration tries to do something, they just want to do it, and not necessarily do it right. We have a perfect example here with the National Ocean Policy.

This National Ocean Council was done, what, 6 years ago? And there still is, at least if I listen to the testimony here, some confusion about what it was. And I thank the Subcommittee Chair, because his purpose was to try and bring together the National Ocean Council and the Council of Environmental Quality and have a discussion here. Unfortunately, they refused to show up because 6 years later they are still not quite sure what they are really doing with this policy. That is a long time to get ready for a hearing. I suppose in another 6 years they might be ready for a hearing again.

So, Captain, I appreciate what you said, especially on the fact that legislation tried to put this into place and it failed. There was a reason why it did not work. But the National Ocean Council, have they provided any clarity on any of the outstanding questions regarding how this policy is going to be implemented, how it is going to directly impact your industry?

Mr. ZALES. No, sir, they have not responded to anything from me, as a stakeholder, or fellow stakeholders.

The CHAIRMAN. All right, you got it. Thank you.

Ms. Lapp, let me ask you the same question. Have they provided clarity to you? Do you know how this is going to impact your industry yet?

Ms. LAPP. No, except that we might get a marine monument on top of our fishing grounds.

The CHAIRMAN. Well, we will talk about that in a second.

How about you, Mr. Keppen? Do you have clarity?

Mr. KEPPEM. Well, I get notifications from just about every agency out there every day, and I still have no sense really of what is happening, process-wise, or where they are at on the West Coast.

The CHAIRMAN. Well, 6 years is a very short time. I am sure they will get it down eventually.

Ms. Lapp, when the comment was made here about voluntary actions, you were shaking your head. Why were you shaking your head on that one?

Ms. LAPP. Because there are already regulations being created in conjunction with this National Ocean Policy. The Fishery Management Councils are moving on this policy. We are going to get regs handed down to us, and it is not voluntary.

The CHAIRMAN. While I have you there, let's talk about the potential monument because, obviously, the Antiquities Act is one of the fun things that we get to talk about all the time. The Act itself has three criteria that should be done, but recent administrations—not just this one, but recent administrations—have refused to go through that criteria. Instead they are saying that they have had local input to it.

I understand the fishery managers from Maine to Florida have all written to the President this last week, asking them not to designate a monument. I know the entire delegation of Massachusetts—not necessarily a bastion of Republicanism—has written to the President, asking for at least more input, which, unfortunately, under the Antiquities Act, they can't do—otherwise, it triggers NEPA.

Does your experience with a potential New England marine monument reassure you that this is not going to be a top-down Federal approach that will afford adequate public participation, and you will get your say in how it will actually be managed if, indeed, it takes place?

Ms. LAPP. Not at all.

The CHAIRMAN. Your answers are all very simple and very direct. I am sorry it comes back to the same thing, that this is an institution that has not provided clarity, which they were supposed to do. They have had a long time to do it. They are still piddling around with where they are coming from, and it is creating more uncertainty, and it certainly is not helping the industry, and it is not helping the environment. What we are doing is just plain wrong and we have to change it somehow.

I yield back.

Dr. FLEMING. The Chairman yields back. Mr. Costa is recognized.

Mr. COSTA. Thank you, Mr. Chairman and members of the committee.

Mr. Keppen, according to your testimony, the National Ocean Policy could have significant impacts on agricultural producers and

farmers that are adjacent to inland waterways as it relates to both direct and indirect, non-point source discharges.

We have had, as a result of the drought—and you have testified here before—devastating impacts as it relates to not only the lack of water, but the regulatory impacts that have compounded the lack of our ability to move water.

In your opinion, could the National Ocean Policy result in further harm, as it relates to these inland waterways? And if so, how?

Mr. KEPPEL. I think so. Again, it is unclear because it is sort of vague; but based on the experience that I have had, both with the Central Valley Project and I would say the Klamath project in Oregon where I live, when you start tying inland areas to the ocean and you use the ecosystem approach, it is easier for critics of agriculture to make links and provide other stresses to reliability of water supplies.

For both the CVP and Klamath, I know orcas, for example—there is talk about possibly doing consultation on orcas, killer whales. And some folks have even suggested that farmers in the Klamath Basin hundreds of miles from the ocean, because of potential impacts to salmon downstream, could be having an impact on orcas. So, folks are actually talking about—guys I represent, driving a tractor around a potato field in California—having an impact on orca whales in the Pacific Ocean. It is that sort of linkage that definitely causes concern.

Mr. COSTA. Do you think the National Ocean Policy, if it was clearer, more concise and focused, could have an opportunity that it would increase the recovery of species?

Too often we see contradictions, it seems to me, anyway, of this stovepipe mentality. We are treating smelt separately from striped bass. We have policies that are in contradiction of one another while we are propagating striped bass. On the other hand, salmon are impacted as a result of that. Do you have any thoughts about that?

Mr. KEPPEL. Well, it is hard to say what they have accomplished so far. I think having a report or something, and I have mentioned USDA putting together a report that describes their involvement. Maybe NOAA Fisheries could do the same thing, so we could kind of assess how effective some of this coordination could be, and what those opportunities are. But right now I just don't see what is out there. It is uncertain.

Mr. COSTA. Yes. How about for you and Mr. Lanard, the whole notion with this policy of just trying to prioritize—I think Chairman Bishop's comments are well taken, there just seems to be a lack of clarity. Not only clarity, but a lack of prioritization in terms of how you deal with policies that can actually be coordinated with all the other agencies, both Federal and state. There seems to be no prioritization in this process. Do you care to comment, Mr. Keppen?

Mr. KEPPEL. I would agree.

Mr. COSTA. Mr. Lanard?

Mr. LANARD. Thank you. The regulatory authorities were created long ago. They exist. There are no new regulatory authorities created.

Mr. COSTA. That is not my question, though. In terms of coordinating a policy and developing priorities, do you think that is occurring?

Mr. LANARD. Absolutely, it is occurring. With a new industry, we can point to the offshore wind industry as a perfect example of how that is working. Twenty-nine different Federal laws and regulations are going to apply to our industry. Those folks have never worked on this before. They are now coming together and coordinating it, and making sure that it does not contradict regulations that they have to impose and apply to other ocean users. It is working very well.

Mr. COSTA. Well, let me just make a comment here, for what it is worth.

I am a supporter of wind power, both onshore and offshore, as well as all the other energy tools in the energy toolbox. But I would not waste a lot of your time trying to deal with proposing wind sites either in the Second Congressional District in California or many of the other sites there, frankly. If you cannot get it in Massachusetts, there are a whole lot of folks who feel, notwithstanding the merit, that that is not something that they want to live with for, I think, personal reasons more often than policy reasons for energy for the Nation.

Focus elsewhere. That would be my advice. Thank you. My time has expired.

Mr. LANARD. Can I respond, or should I—

Dr. FLEMING. The gentleman yields. Mr. McClintock.

Mr. MCCLINTOCK. Well, I don't know about that, Mr. Chairman. These wind farms are such an attractive addition to our coast. I am sure the people in the second district will enjoy looking out at this sea of windmills on what was once pristine coastline.

Mr. LANARD. Congressman, they will not see them, they will be 20 miles off the coast.

Mr. MCCLINTOCK. Let me go to Ms. Lapp. Mr. Lanard tells us there is no regulatory authority in the NOP, it is only for data collections to get various agencies talking to one another and coordinating information.

What is the beef if the NOP is simply collecting information?

Ms. LAPP. They are collecting information that they are going to use in regulations.

Mr. MCCLINTOCK. I am sorry?

Ms. LAPP. They are collecting information that they are going to use in regulations, at least on the fishing industry. I know that.

Mr. MCCLINTOCK. Mr. Zales, what is your view point?

Mr. ZALES. In the whole plan with the ocean policy, it is clear that when people say that there is no regulatory impact here, it is clear it states in there that the National Ocean Policy and the Federal people that are on these RPBs, if states refuse to comply, they over-ride the state and they take over and it will essentially take states' rights away. They are going to do whatever they want to do.

Mr. MCCLINTOCK. Well, that gets me to my next question. Can you give us a wiring diagram of how the NOP will produce a much more restrictive regulatory environment for commerce?

Mr. ZALES. Essentially, they take over what has already been out there—the Fishery Management Plans, the Coast Guard, EPA, there is a Clean Water Act, there are a host of regulatory issues out there already that, apparently, the National Ocean Policy can over-rule. And if things aren't going the way they want to do it, they come back and create a new regulation and say, "This is the way it is going to be," because of what they see, and they say, "OK, well, this hasn't worked, we are going to do something else."

The big problem with it is that, even though they can have a Mexican official or a Canadian official on a Regional Planning Body, me, as an industry person who has been fishing in the Gulf of Mexico for 51 years—I started fishing in the Gulf when I was 12 years old—I have no say. I cannot provide information, except from the outside. And maybe I can do like I did in New Orleans a few weeks after the President signed this order. I drove from Panama City, Florida to New Orleans and back in 1 day to give 1 minute of information to a panel that they came telling everybody, "Here is this great and wonderful National Ocean Policy."

Mr. MCCLINTOCK. Well, let's—

Mr. ZALES. That 1 minute does nothing.

Mr. MCCLINTOCK. Mr. Lanard just said the regulatory authority already exists. Is that the implementing function, then, of the NOP, that basically the NOP will be driving a new range of regulatory restrictions through a process that is already in place?

Mr. ZALES. Pretty much, from what I can tell. I mean, when you talk about ecosystem-based management, the South Atlantic Fishery Management Council has been working on ecosystem-based management for the past 10 to 12 years, way before the National Ocean Policy was even thought of.

Mr. MCCLINTOCK. Well, we are told that this is simply going to provide a framework for stakeholders to provide input. Yet, in response to Mr. Bishop, you said you have not felt that they have received your input. Is that correct?

Mr. ZALES. Yes, that is pretty much correct.

Mr. MCCLINTOCK. Ms. Lapp, what has been your experience?

Ms. LAPP. They will listen to your comments, but they do not do anything with them. They do not incorporate it into whatever they are doing.

Mr. MCCLINTOCK. Is it your impression that this is basically a conclusion-driven process? They have already made their conclusions and are simply listening to those who agree with them?

Ms. LAPP. Absolutely. When I was at the RPB meeting where I raised my concerns and I sat down, one of the members said, "Hey, look. We are implementing a policy just because of a timeline. I think we need to slow it down." And the co-chairman and the NOC chair were like, "We are going to produce a plan by the end of this year," so, regardless—

Mr. MCCLINTOCK. Mr. Kenard?

Mr. LANARD. No, it is not my experience. In fact, at the regional—

Mr. MCCLINTOCK. I said Mr. Kenard, but I will take you, Mr. Lanard. You have had a positive experience. They have listened to you. So, I have to wonder if perhaps some stakeholders are more equal than others.

Ms. Lapp, is that what you are picking up out there?

Ms. LAPP. I would agree with that, from a fisheries standpoint, yes.

Mr. MCCLINTOCK. I do want to push back briefly on one thing the Chairman said. He called this a fourth branch. It is not a fourth branch, it is the combination of the three branches of government that the American founders meticulously separated through our Constitution. That is what keeps us free.

Combining all of the powers in the same hands is the very definition of tyranny, and yet we are seeing these regulatory agencies now writing rules—that is, legislating—enforcing those rules—that is executive—and then adjudicating those rules—that is judicial. And then, when they fine people, keeping the money for their agencies. That is recombining all the powers of government the Constitution sought to separate. That is a very dangerous development. I yield back.

Dr. FLEMING. I thank the gentleman. And you say tomatoes, I say tomatoes. It is all the same to me. Thank you.

Mr. Lowenthal, you are recognized.

Dr. LOWENTHAL. Thank you, Mr. Chair. A little background, I represent a coastal district in Southern California. I know firsthand that we can have both a thriving ocean economy and at the same time protect and conserve our precious ocean resources. Off the coast of my district, you see many, many things: there are marine protected areas; there are state waters, Federal waters; we have a coastal zone; we have Department of Defense installations; we are a marine hotspot, some of the best blue whale watching occurs in my district; we now have the large shellfish aquaculture ranch being installed; we have beautiful beaches; we have oil and gas activity with some rigs right off the shores of Long Beach; it is also the home of the Nation's second-largest port, and combined with the Port of Los Angeles, which is part of that district, it is the largest port complex in North America.

When we are having so much activity going on, it makes sense if NOAA is trying to cite a new aquaculture installation, that the Navy is at the table; that Fishery Management Councils weigh in when oil rigs are to be decommissioned; and when we are talking about bringing in massive ships, it is a no-brainer that NOAA, the Coast Guard, and the ports all work together when we collaborate.

I am getting very confused. My first question is to Mr. Lanard. When I see Executive Order 13547—when the President in 2010, 6 years ago, not 10 years ago as has been stated, just adopted the regulations of the Interagency Ocean Policy Task Force, and set up in the Executive Order, what will this National Ocean Policy attempt?

I keep hearing that they are a regulatory agency. Will you please describe? Is this a regulatory agency? I have looked through the Executive Order and see nothing about the setting of regulations. I would like to ask. Tell us what is a regulatory agency, and is this a regulatory agency?

Mr. LANARD. The National Ocean Policy is not authorized to mandate any new regulations.

Dr. LOWENTHAL. It is not authorized to develop regulations. Is that not true?

Mr. LANARD. It is a planning process to work exactly, Congressman, with the challenges that you face in your district off your coast, all these different competing and conflicting uses, and how do we make sense of them, and that is what the policy does.

Dr. LOWENTHAL. We are hearing that this is kind of an underhanded way of regulating. I would like to know about the National Ocean Policy. Is the idea of multi-stakeholder collaboration, for example in the Northeast, is this a new idea? Or have we been trying to do this for a long time and this brings us together?

Mr. LANARD. We have been doing it for a long time, but now in a more coordinated way.

The Regional Planning Bodies that are getting sort of disparaged today, painfully listening to this, have included very active processes with a broad set of stakeholders. Commercial and recreational fishing were involved. Recreational boating, shipping, ports, offshore energy, undersea cable companies, tow and barge companies have all participated in a plan that is about to be proposed for another round of public comment.

This is democracy and it is working. People are going to weigh in, and then the plan will be considered by the regulatory agencies which Congress has empowered to act, and then implemented if the laws that Congress has created gives them that authority.

Dr. LOWENTHAL. Thank you. We have spent a lot of time—I am going to go back—Congressman Graves has introduced and brought to our attention some of the issues about the decommissioning of oil rigs in the Gulf of Mexico. Last year, I offered an amendment to kind of deal with this. It was not accepted, but it was an attempt in good faith to kind of deal with oil rigs. I offered an amendment to bring all the stakeholders to the table to use the National Ocean Policy, as a way of trying to conserve snapper habitat and to decommission these rigs.

To me, it sounds like—and to Mr. Zales—that the National Ocean Policy is a solution to bringing people together, not a problem. Can you respond to that?

Mr. ZALES. Yes, sir, and I appreciate you asking me that question.

Rigs-to-Reefs was established years before the National Ocean Policy was ever thought of. The reason why Rigs-to-Reefs is a success today is because stakeholders like me worked with the oil companies, worked with the Fisheries Service, worked with EPA, worked with a whole host of agencies to continue Rigs-to-Reefs so that we could have them there. The National Ocean Policy had nothing to do with that. That was a cooperative effort from the stakeholders in the Gulf of Mexico that saw the benefit of leaving platforms in the water; and if you couldn't leave it where it was, to move it someplace else so that you could enhance the habitat to create places for fish and corals to live.

Dr. LOWENTHAL. Thank you, and I yield back.

Dr. FLEMING. Thank you.

Mr. Duncan.

Mr. DUNCAN. Thank you, Mr. Chairman. I don't really have a lot of questions. I am interested in possibly learning why some states are left out of some of the regional planning efforts. For example,

Washington State, when they have a huge watershed, but yet they are left out, and that is curious to me.

Just two things. We, as a Nation, are gifted with abundant natural resources. And when we have ocean policies that begin furthering the restriction of access to those natural resources, we limit ourselves in the future of being able to meet our energy needs.

We see ocean policies not necessarily exactly tied in with this, but we see ocean policies that limit seismic activity in areas like the South Atlantic, where we, as a Nation, can just discover what resources might be there. When we allow groups to use fear-mongering tactics that are not based on fact, such as Oceana, who claim that mammals are harmed by seismic, when there is not a single verifiable instance, and you go to BOEM's Web site and see they say that as well, even BOEM's experts. But yet the Administration will restrict the use of seismic in places like the South Atlantic, just so that we can find out what resources might be available for future exploration. I think it is very short-sighted as a Nation.

The second thing is management. If we are talking about the health of the oceans with regard to nutrients, fertilizers, and what not that have washed in the ocean, places like the Louisiana Delta and Mississippi Delta that experience huge plumes in the ocean because there are a lot of nutrients out there now that flow down the Mississippi, we need to step back and ask why.

Why that plume is further out in the ocean and why we see those nutrients further out in the ocean is because of past practices by the Corps of Engineers to levee, drain, and dredge certain areas along the Mississippi River. We need to realize that maybe mistakes were made in the past because the natural delta would allow that water to flow out and those nutrients that come down the river, whether they are natural nutrients or whether they are man-produced and applied, there is a natural filtration system in the marsh that takes those nutrients out before they reach the ocean. It creates a healthy marsh situation. Actually, it creates barrier islands and a marsh that helps lessen the impact of storms.

But what we see is this huge plume out in the ocean of nutrients that have flowed down the Mississippi River and now travel further out to sea because of past mistakes by the Corps of Engineers. We need to make sure that we acknowledge that some of those practices we did in the past of leveeing up and dredging certain areas were wrong, and possibly step back and see what we can do.

We have resources now, because of Deepwater Horizon, when Steve Scalise, the whip here, is focused on using some of that money to rebuild the barrier islands and address some of the canals and waterways that have been dredged in that area that have allowed this unencumbered flow of water directly out into the ocean. I don't know if that is what Mr. Graves is going to talk about when he gets on this subject, but it is something that I am aware of.

And the point I wanted to make is maybe we should acknowledge past mistakes, and figure out how we can rectify the situation before we start imposing stricter and more stringent regulations on farming and the oceans themselves and what we do there.

Mr. Chairman, I yield back.

Dr. FLEMING. The gentleman yields back.

Mrs. Torres.

Mrs. TORRES. Thank you, Mr. Chairman.

Mr. Lanard, many of my colleagues seem to prefer the use of the term "ocean zoning" to "marine spatial planning." As someone who has participated in this process, can you explain the difference between zoning, as they would have us understand it, and spatial planning, as it was intended by the National Ocean Policy?

Mr. LANARD. Sure. Zoning would be more of a regulatory requirement that would either allow certain activities or would restrict certain activities. Coastal marine spatial planning would suggest the best areas for the best uses, and it would come after a very deliberative process with all the different users in a region so that we can get to an area of common ground. That is the process.

And Congresswoman, if I could just mention one thing about seismic to the Congressman who was concerned about seismic impact on marine mammals. We are an industry that will be creating noise in the ocean when we use fixed foundations into the sea bed and we do drilling. Our drilling does have the potential to impact marine mammals, particularly the North Atlantic right whale. So, we are willing to be carefully regulated, carefully monitored. We will have four or five protected species observers on every vessel we take out there to do any type of work during whale migration season. We are prepared to live by those regulations, because we think we make a greater contribution to the environment by reducing climate-threatening carbon dioxide emissions.

Mrs. TORRES. As you stated, sir, in your testimony, the Department of the Interior now has a process for Federal waters called Smart-from-the-Start that incorporates principles of coastal and marine spatial planning in bringing stakeholders to the table to identify areas suitable for development of this resource.

Is this type of planning component of the policies needed to make U.S. offshore wind competitive, globally?

Mr. LANARD. Absolutely. There are 50,000 or so workers in the offshore wind industry in Europe, and we have almost none. Smart-from-the-Start, under Secretary Salazar, has really started to jumpstart this industry. You are going to see this summer five turbines spinning off the coast of Block Island, Rhode Island, and it is going to be a very national and newsworthy event. It is going to be a great visual, people are going to really be excited about this, and it is going to spur the interest in governors and states up and down the East and West Coast to look at this.

Remember, other than pilot and demonstration projects, these facilities will be 15 to 20 miles offshore. So, you might see the very little tip of the blade, but you are not going to see the structures; and they are going to be spread out enough so that other uses can be applied.

And to Captain Zales, we are also creating artificial reefs out there with our foundations that will serve as places for habitat.

Mrs. TORRES. Thank you. As an ocean user, can you please list the regulations and policies that have been forced upon your business because of the National Ocean Policy?

Mr. LANARD. I can't.

Mrs. TORRES. Thank you. Mr. Chairman, I yield back.

Dr. FLEMING. Mr. LaMalfa.

Mr. LAMALFA. Thank you, Mr. Chairman.

Mr. Keppen, you were talking about the far-reaching effects here. Does that mean we won't be seeing any land sharks doing candygrams for horseradish growers in Newell, California any time soon, then?

Mr. KEPPEL. Good one, Congressman LaMalfa.

Mr. LAMALFA. Playing off your orca comments, you know.

Mr. KEPPEL. Yes, that was a good one.

Mr. LAMALFA. Yes, but seriously, folks, does this start reminding you of this policy, when you get to orcas or land sharks, of the Waters of the United States over-reach with the regulating down to a horseradish field or what have you, 200 miles from the ocean? This is something we have had great concern about in this committee and my district, as well, that this NOP is starting to resemble the Waters of the United States ruling a little bit. Do you see parallels there?

Mr. KEPPEL. Yes. Well, this one is a little more troubling, just from the standpoint that it is uncertain. The Clean Water Rule that the Administration put out was pretty detailed. We kind of knew what the impacts might be there.

But I would say, generally, that is a concern that we have with a lot of these regulations, is just how is it going to impact—you have to kind of assume the worst, hope for the best.

But with a lot of them, there is uncertainty. And just the cumulative impact and how it can affect the farmers, ranchers, and water users in so many different ways, that is the big concern. But I would say, in general, your observation is good. There are somewhat similar concerns that we have.

Mr. LAMALFA. In the ballpark? So, the issue is—you have mentioned a couple of times—uncertainty. There is a lot of uncertainty with WOTUS, too. Like some of my ranchers, they can't plow, for example, without somebody coming down on them, thinking this is going to somehow change the hydrology, Clean Water Act, or what have you.

When their own counsel says they will address questions or specifics as implementation progresses, this sounds like a make-it-up-as-you-go type thing, that we are going to put that out there and then figure out how to fill in the blanks later, as it affects people. Is that what you are picking up on this, as well?

Mr. KEPPEL. That is a concern. And again, like with the Clean Water Act, I still think there is a lot of uncertainty associated with how tributaries are defined, and those sort of things. We were able to get some certainty on how ditches and O&M issues will be handled by irrigation districts, but there is a lot of uncertainty and we are not talking about just the Clean Water Act.

There are land management issues. They talk about best management practices with this particular policy that bring to my mind what is going on with the Forest Service and their groundwater management proposal, their directive they put out here a year or two ago. It is pretty wide-ranging and uncertain.

Mr. LAMALFA. So, to clarify for my own purposes here, we hear a lot about stakeholders. Has anyone from the National Ocean

Council contacted the Family Farm Alliance to be part of a discussion or a stakeholder in this?

Mr. KEPPEL. No.

Mr. LAMALFA. Not yet. I mean if they are still talking about orcas in horseradish fields, basically, so to speak.

All right. So, it is kind of the deal—again, coming back to the uncertainty, let's vote for it and then we can read it later? Yes. And it also reminds me of the parallels of the high-speed rail system in California. We have already spent billions, and they do not even have the route settled yet, or whether it is going to go through the mountains, heading into Southern California. You have billions of dollars on the line. And it looks like another example of government jumping out there, making a goal without talking to the people involved or without knowing what the effects are going to be.

So, what message do you want us to hear from your growers, from your constituents? Bottom line for me, please, on what you all need.

Mr. KEPPEL. Again, it is just this overwhelming sort of deluge of a lot of rulemaking that has happened in the last several years. We are still trying to process the impacts. We have not gotten answers back on some of the concerns that we have raised on many of these rulemaking efforts.

And I think, as far as this particular policy goes, it is like what I said in our testimony, it would be nice to get a report, perhaps, from the individual agencies that are involved to say, "Here is what has happened, here is what we see coming out of this." Until we get something like that, we ought to put a little bit of a pause on this program, which is something that we have asked for on other rulemaking processes that have happened over the last couple of years.

Mr. LAMALFA. All right. Thank you.

Mr. Lanard, will they be able to see any of the windmills from the Kennedy compound?

Mr. LANARD. I guess it depends when Massachusetts decides to move forward with revenue streams for the different developers. There is going to be a very aggressive competition between four or five or six developers over the next year or two, and then we will see where they get located.

Mr. LAMALFA. Awesome answer. Thank you.

Dr. FLEMING. The gentleman yields. We have been joined by Mr. Beyer, and I ask unanimous consent to allow Mr. Beyer to participate.

[No response.]

Dr. FLEMING. Hearing no objection, I recognize Mr. Beyer for 5 minutes.

Mr. BEYER. OK, thank you, Mr. Chairman, very much. I just want to be here today to speak and strongly defend our National Ocean Policy. Plain and simple, coordinated ocean planning is common sense and good economic policy for our coastal communities. It allows for a comprehensive mapping of existing ocean uses. It helps to identify and resolve conflicts between stakeholders before they play out in specific permitting processes.

In Virginia, this process has been crucial to preserve public access to the ocean, to sustain economic growth, address marine

debris, create migration corridors for marine mammals, and support promising new ocean industries such as wind power and marine aquaculture.

I am proud to note that Virginia was selected by BOEM to be the first state in the Nation to receive a wind energy research lease in Federal waters.

Ocean planning has a demonstrated record of reducing conflict for assisting wind developers, especially with the commercial fishing community, where prime fishing habitat is often an ideal location for wind turbines. Eliminating the National Ocean Policy would undermine regional collaborative efforts to manage existing and future ocean policy challenges.

Let's not roll back the valuable work and resources that many states, industries, and communities have already devoted to implement this policy.

The National Ocean Policy makes Federal agencies talk to each other and to the states about their ocean-related responsibilities, and requires them to work together to improve their job performance. We should be working with the National Ocean Policy to streamline Federal permitting, cut through bureaucratic red tape, and maximize the safety and economic productivity of our oceans and coasts.

The National Ocean Policy is not a law. It is not a new regulation, and does not supercede state or local authority. All it does is coordinate ongoing Federal activities. The alternative is less coordination and less efficiency.

If we want to run our government like a business, we should ask ourselves: Would you invest in a business where different departments don't talk to each other? Would you invest in a business that is not responsive to its shareholders? Would you invest in a business with no business plan? This is, essentially, what the National Ocean Policy is, a business plan for the ocean that seeks to maximize the benefits to the shareholders, the American people. The policy is a win-win-win for economic growth, public safety, and environmental protection.

I do have one question, though, for Mr. Lanard. The opponents of coastal marine spatial planning claim that it is a threat to business and business interests. But in a letter sent to House leaders in March of this year, nearly 120 national, regional, and state conservation, recreation, and business groups expressed their support for regional ocean planning efforts that "have emerged from the ground up with the roots in state-sponsored partnerships."

So, Mr. Lanard, should fishermen, farmers, and businessmen consider the National Ocean Policy and marine spatial planning a threat? Or should they consider it an opportunity to protect their interests and livelihoods?

Mr. LANARD. Thank you for the question, Mr. Beyer. For the record, you and I have not met before, but I would like, with the Chairman's permission, to revise and extend my remarks and attach your statement to part of my testimony, because I agree with it verbatim. It was really well said, thank you.

We have to work together. You said it in your comments. There are growing uses and growing demands on the ocean: military, commercial fishing, recreational fishing, energy, sand mining, oil

and gas, offshore wind. We need to work together, or else we are not going to find common ground, and we are going to then pit developer against developer, industry against industry, and slow down everything. Nobody wins. You nailed it. It is a win-win-win.

Mr. BEYER. Great. Thank you, Mr. Lanard.

Mr. Chairman, I yield back.

Dr. FLEMING. The gentleman yields back. Mr. Graves is recognized.

Mr. GRAVES. Thank you, Mr. Chairman.

Mr. Lanard, I am curious. Have you had conversations with anyone from CEQ, or National Ocean Council in the past week and a half?

Mr. LANARD. I have not spoken to CEQ or the National Ocean Council in about 4 years.

Mr. GRAVES. In 4 years? No Federal officials?

Mr. LANARD. Oh, yes, plenty of Federal officials.

Mr. GRAVES. In the last week and a half, 2 weeks?

Mr. LANARD. No oral communications with them. About this issue?

Mr. GRAVES. Yes.

Mr. LANARD. None. I talk regularly with the Bureau of Ocean Energy Management. I let them know I was testifying, but we have not spoken about it.

Mr. GRAVES. Thank you. I want to follow up on Congressman Duncan's statement earlier. The Federal Government, through the U.S. Army Corps of Engineers—their actions in regard to the management of the river system in south Louisiana has largely resulted in the loss of about 1,900 square miles of coastal wetlands. That is some of the most productive ecosystem or habitat on the North American continent.

As Congressman Duncan mentioned, the largest dead zone in North America is off the coast of Louisiana. Again, another issue where the Federal Government has a role and has a task force set up, and we have actually had a worsening dead zone, not an improvement. As Mr. Zales noted earlier, the Federal Government is also in charge of management of the red snapper fisheries, which has become a complete debacle—not de-conflicted, but actually increased tension, conflict, and using poorer science than the states have.

I am just curious. Why in the world would we want to bring the Federal Government and their record of success into an area that actually has an excellent record of managing resources for energy development, commercial and recreational fishing, and multiple other uses in the Gulf of Mexico? What benefit are we introducing by bringing them into this? Mr. Lanard?

Mr. LANARD. They are already in. The regulations—

Mr. GRAVES. Well, that is the problem, though. That is my point, that is the problem. The Federal Government is causing the problems, from an economic and from an environmental perspective. They are not improving it. So, why you would expand upon those failures. I have no idea.

If someone in office or in business is not doing well, you do not give them additional responsibility, you get rid of them. That is what we are trying to do here.

Mr. Zales, would you like to comment on that?

Mr. ZALES. [No response.]

Mr. GRAVES. Would you like to comment?

Mr. ZALES. On why we would continue that?

Mr. GRAVES. Yes.

Mr. ZALES. To be honest, like you, I don't know why. In the Gulf of Mexico, and my organization, we represent charterboat owners and operators across the country. But in the Gulf of Mexico, from my personal experience, there is coordination amongst agencies. There is involvement with stakeholders.

I mean in my 25-plus years of involvement in the fishery management—what I call a game because it is kind of like it is played—I have been actively involved. A lot of my fellow fishermen have been actively involved. And things do not always turn out the way we necessarily want them, but we have impact, so we are able to mitigate some of the things that are there.

In this current situation, I was one of 30 people who were first appointed to the Marine Protected Areas Federal Advisory Committee, which was created by an Executive Order, I think, in 2000. That Executive Order was similar to this one, no regulatory impacts. Today, the marine protected area has a division within the National Marine Fisheries Service so they could set up marine protected areas. I was one of the 30 people who developed that plan.

That unfunded mandate has evolved into a division of the National Marine Fisheries Service that regulates us, creates marine protected areas, and does everything that people are saying this National Ocean Policy will not do. Well, I am sorry, it is headed there.

Mr. GRAVES. Yes. And I want to make one other note. Mr. Chairman, I am very disappointed the Administration has chosen to not respond to an invitation to come testify today. This entire effort in regard to the National Ocean Policy and coastal marine spatial planning initiative was billed as being a voluntary initiative. The Gulf of Mexico chose not to participate.

And I will say again, we have some of the most robust commercial and recreational fishing in the Nation. We have the most robust offshore energy production in the Nation. We have the most robust maritime industry in the Nation, in the Gulf Coast. And we do not need to bring in the Federal Government's expertise in this case, because all they are doing is screwing things up, not improving upon it.

Now, why would the Federal Government be naming officials to a Gulf Coast marine and spatial planning panel when the Gulf Coast chose to not participate in this "voluntary effort"? I am really struggling. That does not sound like anything that is voluntary to me.

Last, Mr. Zales, I just want to make note that the five Gulf states have come to an agreement on a management regime for the red snapper fishery. I know you have been in this committee before on this. Do you believe that that is a superior approach to continuing this trajectory we are on now with Federal management?

Mr. ZALES. No, sir. I fully support your bill that is there to give it over to the states, because it is clear to me the National Marine Fisheries Service is incapable of managing recreational fisheries.

Mr. GRAVES. Thank you, Mr. Zales.

Mr. Chairman, I yield back.

Dr. FLEMING. OK. Mr. Newhouse is recognized.

Mr. NEWHOUSE. Thank you, Mr. Chairman. I appreciate all of the panel members here this morning, on both sides of the issue. It is very informative and enlightening. I just wanted to make one comment about some of the things that I have heard from the dais today, about uncertainty as a Majority party tactic. I would just say, as a production farmer myself, and having had to live under an environment where there is uncertainty when it comes to expectations from government entities, there certainly is a cost to that. People are less likely to make investments to solve any particular problem when you don't know what policy or what regulation you are supposed to adhere to. When you serve more than one master, the result is nothing gets done. So, I think this uncertainty issue is real and is something that needs to be addressed.

A question for you, Mr. Keppen, and thank you for being here. One of the core principles of the NOP, the ocean policy, is a government-wide fundamental shift to ecosystem-based management, at least as I understand it. While many questions on this implementation need to be answered of this policy, in your estimation how could this shift in resource management policy affect farmers such as in my state of Washington, but also across the United States?

Mr. KEPPEEN. Well, again, I kind of elaborated on it in my written testimony. The focus of these activities on the coast and in the ocean move inland using an ecosystem approach.

For example, in the appendix there are at least two or three things that caught my eye in this plan that show that forest actions or farming actions are going to be looked at, as far as impacts on the ocean. Again, the national forest best management practices are listed in the appendix. Restoring wetlands and upland areas is another action that is listed. And then, studying impacts from land-based sources of pollution, those three things caught my attention and suggest that because you have this ecosystem-based approach, you can make those sort of ties to the ocean. So, folks far inland may not think that this will have an impact, but it could.

Mr. NEWHOUSE. Yes, but it will. Certainly those of us that depend on river systems, which, in my neck of the woods, we certainly do.

Just last month, as you probably know, being a Northwesterner yourself, in an act of judicial over-reach, a U.S. district court judge handed down a ruling that upended salmon recovery efforts in the Pacific Northwest, which really put at risk hundreds of millions of dollars in investments by ratepayers on dam mitigation.

This ruling already creates great uncertainty in the region. Coupled with the NOP, how might the planning bodies proposed under this NOP framework impact efforts in states like Washington and Oregon to ensure access to predictable and sufficient water supplies for irrigation, affordable energy through hydropower, and also for flood control?

Mr. KEPPEL. As I recall, I think that the Pacific Northwest salmon recovery efforts were actually identified in the NOP as an example of sort of a collaborative success; but this recent court decision kind of shows it necessarily was not all collaborative and voluntary. There was a huge dollar impact associated with what is going on there.

Like you said, the ratepayers have paid a lot. There have been biological opinions that drive how those dams in the Columbia operate, which has caused a huge impact, both to power generation and the ability to use water.

But what has happened with this recent court decision that you talked about, the judge has said those actions apparently are not good enough, all those activities that have been undertaken are not good enough. So now, that is kind of providing fuel for the critics of the dams on the Snake River, in particular, to go after the dams as a possible solution to take care of the problem.

The sort of things that are laid out in this NOP, again, may be providing the potential for more of those sorts of actions to occur in the future, which creates tremendous uncertainty for irrigators in the Northwest, in particular.

Mr. NEWHOUSE. Right. I see my time is just about to expire, so not enough time to ask a question. But thank you very much, all of you.

Mr. Chairman.

Dr. FLEMING. The gentleman yields. I want to thank the panel. You have been very patient with us. We have had a lot of questions today, and I think it has been very productive. I want to thank you for your valuable testimony.

Members of the subcommittee may have additional questions for the witnesses, and we would ask you to respond to these in writing. The hearing record will be open for 10 business days to receive these questions.

If there is no further business, without objection the subcommittee stands adjourned.

[Whereupon, at 11:38 a.m., the subcommittee was adjourned.]

[ADDITIONAL MATERIALS SUBMITTED FOR THE RECORD]

PREPARED STATEMENT OF THE HON. SAM FARR, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA, IN SUPPORT OF THE NATIONAL OCEAN POLICY

Our ocean economy generates \$360 billion a year, and puts 3 million Americans to work in ocean-related industries such as shipping, marine construction, energy development, defense operations, commercial fishing, boating, aquaculture, and tourism. These jobs and the economic wealth the ocean generates are spread out all across the Nation, not just in coastal communities. With so many livelihoods dependent on the success of these numerous and disparate ocean-related industries, we should be embracing the National Ocean Policy, which is no more than a planning tool to reconcile and coordinate these activities.

Let me set the record straight about several NOP "myths." First of all, we spend absolutely no money on ocean planning. NOP does not cost the government anything and it does not alter any Federal, state, or local government authorities. What it does is spur economic growth and helps create jobs. In the Northeast, stakeholders in offshore wind development, infrastructure projects, and the first-ever offshore mussel aquaculture facility utilized the tools of the NOP to leverage millions of dollars of private investment and create jobs.

Secondly, I want to emphasize that the NOP does not supersede any local or state regulations, or create any new Federal regulations, despite what its critics suggest. The fundamental role of the NOP is to create a mechanism by which the 41 ocean

agencies, departments, working groups and committees can coordinate and communicate to manage more efficiently.

This results in “ground up”—not “top down”—opportunities for locals to have input to local and regional resource management policies. In so doing, not only does the NOP provide greater local say in management, but it also results in a stronger return on investment of taxpayer resources by reducing duplication between agencies, increasing coordination, and streamlining the data collection and public involvement that informs decisionmaking.

I urge the subcommittee to step away from the anti-NOP generated talking points and actually read the Executive Order. Without our inherent biases, each of you should come to the same conclusion that I know to be true: the National Ocean Policy is a tool for planning, not a mandate that strips local and stakeholder control of our ocean’s resources.

Thank you for allowing me to submit testimony.

NATIONAL OCEAN POLICY COALITION

May 31, 2016

Hon. JOHN FLEMING, *Chairman,*
House Subcommittee on Water, Power and Oceans,
1324 Longworth House Office Building,
Washington, DC 20515.

Re: May 17, 2016 Oversight Hearing on “Implications of President Obama’s National Ocean Policy”

Dear Chairman Fleming:

On behalf of the National Ocean Policy Coalition (Coalition), thank you for convening an oversight hearing to address implementation of the National Ocean Policy (NOP).

Established in 2010, the Coalition is an organization of diverse interests representing sectors and entities that support tens of millions of jobs, contribute trillions of dollars to the U.S. economy, and seek to ensure that actions under the NOP are implemented in a manner that best benefits the National interest, including protection of the commercial and recreational value of the oceans, marine-related natural resources, and terrestrial lands of the United States.

Since its creation by Executive Order in July 2010, uncertainty and the potential for negative impacts to result from NOP implementation have continued to increase, and have already resulted in new burdens, regulatory overlays, and governmental bodies such as the National Ocean Council and Regional Planning Bodies (RPBs) with which regulated entities must contend. Just months after its issuance, the NOP Executive Order was cited in an Interior Department statement announcing the prohibition of potential conventional energy leasing in new areas through 2017.

Two of the policy’s most troubling aspects, both of which could also impact inland activities, are its coastal and marine spatial planning (CMSP) initiative—likened by several federal agencies to ocean zoning—and its ecosystem-based management (EBM) component, which requires the federal government to make a “fundamental shift” in how it manages ocean, coastal, and Great Lakes resources.

CMSP has been portrayed as voluntary and as simply a means to improve communication and coordination across agencies. In reality, the NOP and documents developed in support of regional marine plans clearly indicate otherwise.

Regulatory impacts are certain to result from CMSP implementation by virtue of the requirement that federal agencies comply with regional marine plans to the maximum extent (including through regulations where necessary), which also introduces the potential for conflicts between unauthorized marine plans and plans and decisions made under statutorily-authorized and mandated processes. Actions expected to be included in the final Northeast and Mid-Atlantic marine plans include federal commitments to use and apply newly-developed maps of “core areas” and “hot spots” in agency decision-making activities. Concerns over CMSP are underscored by the promotion of certain uses and resources over others, and the fact that critical details on how agencies specifically intend to implement regional marine plans in their decision-making activities remain unknown and may not be disclosed until after public review periods conclude.

In addition, the NOP Implementation Plan makes clear that federal agencies are to engage in marine planning even if all states in a region decide not to participate.

Yet, six years after the Executive Order was issued, scant information exists about what actions federal agencies have taken over the last six years to implement marine planning in such regions, which include the Gulf of Mexico, South Atlantic, Alaska, and the Great Lakes.

Significant concerns also exist regarding the NOP requirement that federal agencies implement EBM, including through the incorporation of EBM into environmental review and planning processes by 2016. In addition to creating unknown impacts on well-known and statutorily-guided processes and the economic activities that they govern, given the current state of EBM science and technology, imposition of such an artificial deadline increases the risk that this requirement will lead to decisions that lack a proper scientific foundation.

Moreover, although Congress has not authorized or appropriated funds for this initiative, entities across the federal government have devoted significant time and undetermined amounts of resources toward NOP implementation, with unknown impacts on agency budgets and missions. This raises important questions about how regulated industries are being affected by potential diversions of funds and resources away from authorized and mandated activities.

Finally, concerns about the impact of NOP implementation on economic and societal interests have been heightened by deficiencies in transparency and user group engagement, highlighted in part by inadequate review opportunities and the imposition of deadlines that are limiting the ability to provide informed input on the development of the first regional marine plans. All the while, in addition to being excluded from directly participating on RPBs tasked with developing marine plans, the RPBs established so far have declined requests to establish formal advisory committees for user groups to provide advice and guidance, even though such committees are explicitly authorized under the NOP Executive Order.

For all these reasons, the Coalition appreciates your efforts to shine more light on NOP implementation and address the many questions that remain unresolved.

Sincerely,

JOHN M. BELCHER,
Managing Director.

RESOURCE DEVELOPMENT COUNCIL,
ANCHORAGE, ALASKA

May 13, 2016

Hon. JOHN FLEMING, *Chairman,*
House Subcommittee on Water, Power and Oceans,
1324 Longworth House Office Building,
Washington, DC 20515.

Re: Oversight Hearing on National Ocean Policy

Dear Chairman Fleming:

The Resource Development Council for Alaska, Inc. (RDC) is writing to thank the Subcommittee for holding an oversight hearing on National Ocean Policy and to provide our member's perspective on the policy.

RDC is an Alaskan non-profit, membership-funded organization founded in 1975. Our membership is comprised of individuals and companies from Alaska's oil and gas, mining, timber, tourism, and fisheries industries, as well as Alaska Native corporations, local communities, organized labor, and industry support firms. RDC's purpose is to link these diverse interests together to encourage a strong, diversified private sector in Alaska and expand the state's economic base through the responsible development of our natural resources.

With 34,000 miles of coastline, 3,000 miles of rivers, and over three million lakes, Alaska has a significant stake in National Ocean Policy, and will be impacted more than other states by it.

Alaska has seen significant federal overreach that RDC has long opposed, including the introduction of a National Ocean Policy (NOP). Alaska has been under assault from numerous regulatory headwinds that have negatively impacted our resource development industries, and our energy sector in particular.

RDC is very concerned NOP is another layer of unnecessary bureaucracy and a potential obstacle our private sector will be forced to face at a time when strengthening our economy through responsible resource development is our top priority.

Federal agencies have already begun taking steps to implement actions tied to this policy that could negatively impact the Alaskan economy, such as Integrated Arctic Management and Ecosystem-Based Management requirements.

While marine planning is required in every region, including Alaska, Alaskans have no information as to what marine planning actions federal agencies have taken or plan to carry out in our state.

Additionally, the geographic coverage of Coastal and Marine Spatial Planning will include inland bays and estuaries, and upland areas as deemed appropriate by Regional Planning Bodies established to create these plans. There are additional concerns with federal entities setting ocean management priorities associated with marine planning, especially in regions like Alaska that choose not to participate.

This policy, and its marine planning and ecosystem-based management components in particular, is not something Alaska wants or needs, and it should not be forced upon us. These federal efforts cause further uncertainty, especially in Alaska where geographical and harsh climate conditions already result in higher costs for projects.

Further, RDC is concerned coastal and rural Alaskan communities may become financially devastated by National Ocean Policy implementation. The devastation of rural communities will likely result in outmigration of indigenous people, and the loss of culture and traditional lifestyles.

Thank you for your consideration of RDC's perspective.

Respectfully,

MARLEANNA HALL,
Executive Director.

